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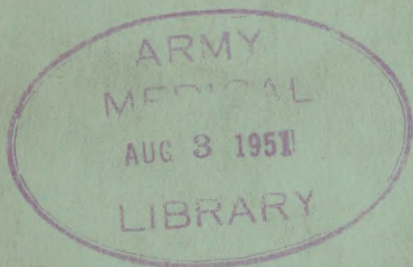
# Health and Safety Code

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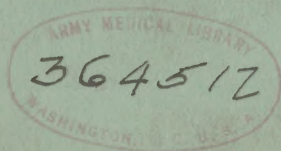
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## FOREWORD

This is a compilation of the latest amended form of Health and Safety Code.

*Effective Date.* This edition shows all sections as they are in effect on and after August 4, 1943, the effective date of the statutes enacted by the 1943 Legislature. When any section affected by the extra session of 1942 or the regular session of 1943 has an effective date earlier or later than the ninety-first day after final adjournment of the session which affected it, the section carries a note expressing that effect.

*Cross-reference Tables.* Tables indicating the origin of each section of the Health and Safety Code as originally enacted and indicating the disposition of former statutes in the code as originally enacted appear at pages 3345 to 3405 of the Statutes and Amendments to the Codes for 1939.

# STATE OF CALIFORNIA

## HEALTH AND SAFETY CODE

[CHAPTER 60, STATUTES OF 1939]

*An act to establish a Health and Safety Code, thereby consolidating and revising the law relating to the preservation of the public health and safety, including the health and safety of persons, the custody and disposition of dead bodies, the safety and protection of property; and matters incidental thereto, and to repeal certain acts or parts of acts specified herein.*

In effect  
September  
19, 1939

[Approved by Governor April 7, 1939. Filed with Secretary of State April 7, 1939.]

*The people of the State of California do enact as follows:*

### GENERAL PROVISIONS

- |                                      |   |
|--------------------------------------|---|
| Title                                | 1. This act shall be known as the Health and Safety Code.   |
| Continuation<br>of exist-<br>ing law | 2. The provisions of this code in so far as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.     |
| Tenure                               | 3. All persons who, at the time this code takes effect, hold office under any of the acts repealed by this code, which offices are continued by this code, continue to hold them according to their former tenure.                    |
| Pending<br>proceedings               | 4. Any action or proceeding commenced before this code takes effect, and any right accrued, is not affected by this code, but all procedure thereafter taken therein shall conform to the provisions of this code as far as possible. |
| Construction                         | 5. Unless the provision or the context otherwise requires, these definitions, rules of construction, and general provisions shall govern the construction of this code.   |
| Headings                             | 6. Division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this code.   |

7. Whenever a power is granted to, or a duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this code expressly provides otherwise. Delegation of power

8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise. Writings

9. Whenever reference is made to any portion of this code or of any other law of this State, the reference applies to all amendments and additions now or hereafter made. Reference to statutes

10. "Section" means a section of this code unless some other statute is specifically mentioned. Subdivision means a subdivision of the section in which that term occurs unless some other section is expressly mentioned. "Section"

11. The present tense includes the past and future tenses; and the future, the present. Tense

12. The masculine gender includes the feminine and neuter. Gender

13. The singular number includes the plural, and the plural the singular. Number

14. "County" includes city and county. "County"

15. Unless expressly otherwise provided, any notice required to be given to any person by any provision of this code may be given by mailing notice, postage prepaid, addressed to the person to be notified, at his residence or principal place of business in this State. The affidavit of the person who mails the notice, stating the facts of such mailing, is prima facie evidence that the notice was thus mailed. Giving notice

16. "Shall" is mandatory and "may" is permissive. "Shall" and "may"

17. "Oath" includes affirmation. Oath

18. "Signature" or "subscription" includes mark when the signer or subscriber can not write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto. "Signature" and "subscription"

19. "Person" means any person, firm, association, organization, partnership, business trust, corporation, or company. "Person"



- "State department" 20. "State department" means "State Department of Public Health."
- "Director" 21. "Director" means "Director of Public Health."
- "Board" 22. "Board" means "State Board of Public Health."
- "State" 23. "State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes the District of Columbia and the Territories.
- Constitutionality 24. If any provision of this code, or the application thereof to any person or circumstance, is held invalid, the remainder of the code, or the application of such provision to other persons or circumstances, shall not be affected thereby.

## DIVISION 1. ADMINISTRATION OF PUBLIC HEALTH

### PART 1. STATE DEPARTMENT OF PUBLIC HEALTH

#### CHAPTER 1. ORGANIZATION

- Department 100. There is in the State Government a State Department of Public Health.
- Board 101. The department shall consist of the State Board of Public Health, the State Director of Public Health and such divisions as are or may be necessary for the prevention of disease, the prolongation of life and the promotion of the physical health and mental efficiency of the people of the State.  
(Amended by Stats. 1943, Ch. 1061.)
- Members 102. The State Board of Public Health consists of the Director of Public Health and seven other members. The board shall advise the director in the performance of his duties and formulate general policies affecting public health. It shall have power to adopt, promulgate, repeal and amend rules and regulations consistent with law for the protection of the public health. It shall issue licenses and permits as prescribed by law and by rules and regulations of the board. It may hold hearings and subpoena witnesses and documents pursuant to Section 353 of the Political Code. The board shall have no administrative or executive functions other than those set forth in this code.  
(Amended by Stats. 1943, Ch. 1061.)
- Appointment and terms 103. The members of the board, other than the director, shall be appointed by the Governor for a term of four years and shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this code takes effect shall expire as follows: Two members, January 15, 1940; two members, including the dentist, January 15, 1941; two members, January 15, 1942; one member, January 15, 1943. The terms shall expire in the same relative order as to each member as the term for which he holds office before this code takes effect.

Vacancies shall be filled by appointment for the unexpired term. Vacancies

104. One member of the board shall be a duly licensed and practicing dentist of the State. Six other members shall be duly licensed and practicing physicians of the State. Qualifications

(Amended by Stats. 1943, Ch. 1061.)

105. The members of the board, other than the director, shall receive no compensation for their services, but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties. Compensation

106. The director is the executive officer of the department. He shall administer the laws and regulations of the board pertaining to public health and shall vigilantly observe sanitary and public health conditions throughout the State and shall take all necessary precautions to protect it in its sanitary and public health relations with other States and countries. He shall perform such other duties as may be prescribed by law, and such other administrative and executive duties as have by other provisions of law been imposed upon the board. Director: Duties

(Amended by Stats. 1943, Ch. 1061.)

107. The director shall hold the degree of doctor of medicine from an approved medical college and shall be eligible to license to practice in the State of California. He shall have had in addition at least one year's post graduate training in a school of public health approved by the State Board of Public Health, and a minimum of five years' practical experience as an administrative officer in a well organized health department. Qualifications

(Amended by Stats. 1941, Ch. 835, and by Stats. 1943, Ch. 1061.)

107.5. The director shall be appointed by the Governor for a term of four years and shall hold office until the appointment and qualification of his successor. The term of the director in office when this section takes effect shall expire January 1, 1944. The Governor may remove the director for misconduct, incompetency, or neglect of duty, after an opportunity to be heard on written charges. A vacancy shall be filled by appointment for the unexpired term. The director shall receive a salary of ten thousand dollars (\$10,000) per annum and necessary expenses incurred in the performance of his duties. Term

(Added by Stats. 1943, Ch. 1061.)

108. Before entering upon the duties of his office, the director shall execute an official bond to the State in the penal sum of ten thousand dollars (\$10,000), conditioned upon the faithful performance of his duties. Official bond

109. The director shall devote his entire time to the duties of his office. Duties: Time

110. Subject to the State Civil Service Act the director shall appoint such assistants, deputies, agents, experts and other employees as are necessary for the administration of the affairs of the department, shall prescribe their duties, and fix their salaries subject to the approval of the Department of Finance, Appointment of employees

and shall require them to execute to the State such official bonds as may be required.

(Amended by Stats. 1943, Ch. 1061.)

111. (Repealed by Stats. 1943, Ch. 1061.)

Records  
and report

112. The director shall keep or cause to be kept an accurate record of the proceedings of the State department and shall file a written report of them at each regular meeting of the board.

Depart-  
mental or-  
ganization

113. Notwithstanding anything in this code as enacted, the director may, subject to the approval of the Governor, create such divisions and subdivisions of the State department as may be necessary and may consolidate, divide, or abolish them from time to time.

(Amended by Stats. 1943, Ch. 1061.)

Conduct of  
department

114. Except as otherwise in this code prescribed, the provisions of Article 2 of Chapter 3 of Title 1 of Part 3 of the Political Code as it may be added to or amended shall apply to the conduct of the State department in every respect the same as if such provisions were set forth at length in this code.

Public  
Health Fund

115. There is hereby created in the State treasury a special fund designated as the "Department of Public Health Fund," into which there shall be deposited:

(a) All moneys directed by law to be paid into said fund shall be paid therein and shall be expended solely for the enforcement of the act, article or law under which it is derived, and the expenditure from said fund for the enforcement of any such act, article or law shall not exceed the amount of money credited to said fund thereunder.

(b) All grants of money received by this State from the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health.

(c) All money appropriated by the State for support of the State Department of Public Health. The department may use the money within this subdivision for the purposes for which the money in subdivision (b) is made available by the United States for expenditure by this State. The money to be deposited in the Department of Public Health Fund under this subdivision may be transferred to the Department of Public Health Fund in such amounts as may be authorized by executive order of the Director of Finance.

The Department of Public Health shall keep a record of the classes and sources of income credited to the Department of Public Health Fund and the disbursements therefrom.

Unless otherwise expressly provided all moneys deposited in the Department of Public Health Fund under an appropriation from the General Fund by the State, shall be available for all expenditures incurred for the purposes for which it was appropriated during the period thereof, and, unless by executive order of the Director of Finance such money is directed to be retransferred to the appropriation from which it was transferred to the



Department of Public Health Fund, shall be subject to the provisions of Section 435 of the Political Code.

(Added by Stats. 1941, Ch. 1092; amended by Stats. 1943, Ch. 1092. In effect June 8, 1943.)

## CHAPTER 2. POWERS AND DUTIES

### Article 1. General Powers

200. The State Department of Public Health shall examine into the causes of communicable disease in man and domestic animals occurring or likely to occur in this State.

Causes of communicable disease: Examination

201. It shall cause special investigation of the preparation and sale of drugs and food and their adulteration.

Investigation

(Amended by Stats. 1941, Ch. 186.)

202. It shall perform such duties as are required by law for the detection and prevention of the adulteration of articles used for food and drink, and for the punishment of persons guilty of violation of any law providing against their adulteration.

Adulterated food: Detection and prevention

203. It shall examine and may prevent the pollution of sources of public domestic water and ice supply.

Water and ice sources: Examination

204. It may prepare or purchase, and distribute at cost, antitoxins, vaccine, and other approved serums and lymphs.

Serums: Distribution

205. It may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

Actions and proceedings

(a) To enforce its rules and regulations.

(b) To enjoin and abate nuisances dangerous to health.

(c) To compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this State relating to the public health.

(d) To protect and preserve the public health.

It may defend all actions and proceedings involving its powers and duties. In all actions and proceedings it shall sue and be sued under the name of the Department of Public Health.

206. It may abate public nuisances.

Nuisance abatement  
Advice

207. It may advise all local health authorities, and, when in its judgment the public health is menaced, it shall control and regulate their action.

208. It may adopt and enforce rules and regulations for the execution of its duties.

Rules and regulations

209. It shall at each regular session of the Legislature make a report with such suggestions as to legislative action as it deems proper.

Report to Legislature

210. It shall examine into and report what, in its best judgment, is the effect of the use of intoxicating liquor as a beverage upon the industry, prosperity, happiness, health, and lives of the citizens of the State; also, what legislation, if any, is necessary.

Effect of liquor: Examination

211. It shall cause special investigations of the sources of morbidity and mortality and the effects of localities, employ-

Special investigations

ments, conditions and circumstances on the public health and it shall perform such other duties as may be required in procuring information for State and Federal agencies regarding the effects of these conditions on the public health.

(a) The board shall define epilepsy for the purposes of the reports hereinafter referred to:

(1) All physicians shall report immediately to the local health officer in writing, the name, age, and address of every person diagnosed as a case of epilepsy or similar disorders characterized by lapses of consciousness.

Epilepsy

(2) The local health officer shall report in writing to the State department the name, age, and address, of every person reported to it as a case of epilepsy.

(3) The State department shall report to the State Department of Motor Vehicles the names, ages, and addresses, of all persons reported as cases of epilepsy by the physicians and local health officers.

(4) Such reports shall be for the information of the State Department of Motor Vehicles in enforcing the provisions of the Vehicle Code of California, and shall be kept confidential and used solely for the purpose of determining the eligibility of any person to operate a motor vehicle on the highways of this State.

(Added by Stats. 1941, Ch. 186.)

## Article 2. Physically Handicapped Children

Services for  
handicapped  
children

249. The Department of Public Health shall have the power to establish and administer a program of services for physically defective or handicapped persons under the age of 21 years, in cooperation with the Federal Government through its appropriate agency or instrumentality in developing, extending and improving such services, to receive and expend all funds made available to the department by the Federal Government, the State, its political subdivisions or from other sources, and shall have power to supervise those services included in the State plan which are not directly administered by the State, and to cooperate with the medical, health, nursing and welfare groups and organizations, and any agency of the State charged with the administration of laws providing for vocational rehabilitation of physically handicapped children.

(Added by Stats. 1943, Ch. 210.)

"Handi-  
capped  
child"  
defined

250. "Handicapped child," as used in this article, means a physically defective or handicapped person under the age of 21 years who is in need of services.

(Amended by Stats. 1943, Ch. 210.)

"Services"  
defined

251. "Services," as used in this article, means any or all of the following:

- (a) Expert diagnosis.
- (b) Medical treatment.
- (c) Surgical treatment.
- (d) Hospital care.

- (e) Physiotherapy.
- (f) Occupational therapy.
- (g) Special treatment.
- (h) Materials.
- (i) Appliances and their upkeep, maintenance, care, and transportation.
- (j) Maintenance, transportation, or care incidental to any other form of "services."

252. By local surveys arranged through local authorities, social welfare and other public or private agencies, the State Department of Public Health shall seek out handicapped children. No record shall be taken or kept, except of such children as are specified in this article. Local surveys

252.5. The State Department of Public Health shall seek out children with impaired sense of hearing, especially in the primary and grammar grades of all schools and in its conferences and diagnostic clinics it shall employ for such diagnostic investigation trained otologists. Children with impaired hearing

This section does not give the department power to require medical or physical examination of children without consent of parent or guardian.

(Added by Stats. 1943, Ch. 1098.)

253. It shall arrange through such local agencies for local public diagnostic clinics or conferences for handicapped children when and where it appears necessary, and bring to them expert diagnosis near their homes. Clinics

254. Whenever the parents or estate of a handicapped child is either wholly or partly unable to furnish for the child necessary services, the parents or guardian may, without the payment of any fee, file a petition in the superior court in the county where the parents are resident, or if a guardian of the person of the child has been appointed, then in the county of the residence of the child, for a certificate setting forth the facts. Free clinical service: Certificate petition

255. The petition may be heard ex parte. If the judge is satisfied that, where there is no guardian of the person, the parents are residents of the county or that the child, in case a guardian of his person has been appointed, is a resident of the county where the application is filed, and that the parents or estate of the child is either wholly or partly unable to furnish the services, he shall issue a certificate to that effect. Hearing

The certificate shall contain the names and addresses of petitioner and of the child and the following findings: Certificate: Issuance and contents

(a) That the parents, or the child, if there is a guardian of his estate, reside in the county in which the petition is filed.

(b) That the child needs services.



(c) That the parents or estate of the child is wholly or partly unable to furnish the services.

(d) What sum, if any, the parents or estate of the child can pay to the clerk of the superior court in the county in which the petition is filed, and the times when the payments are to be made.

**Presenta-  
tion. services** 256. The certificate, together with duplicate original written diagnoses, shall be presented to the State department. Upon receipt of the certificate the department shall furnish such services for the child as in its judgment are necessary and proper. All expenses for services shall be advanced by the State department out of the Physically Defectives' Revolving Fund.

**Expense for  
services** 257. It may without the possession of a certificate, pay the expenses for services required by any physically handicapped child out of any funds received by it through gift, devise, or bequest, or from private, State, Federal or other grant or source.

(Amended by Stats. 1943, Ch. 210.)

**County  
payments** 258. Upon presentation to the board of supervisors of the county in which the petition was filed, of an itemized claim, duly sworn to by the director, for the expense of the services furnished under the authority of the certificate, the board of supervisors shall audit and approve the claim, the county auditor shall then issue a warrant for the amount of the claim payable to the State department, and the county treasurer shall pay it. The State department shall credit the amount received to the Physically Defectives' Revolving Fund.

**Contracts for  
furnishing  
services** 259. The State department may arrange or contract with any person properly qualified to furnish services to handicapped children. It may pay for services out of any funds appropriated for the purpose or which it may receive by gift, devise, or bequest.

**Cooperation  
with insti-  
tutions, etc.** 260. It shall cooperate with the hospital or other institution in which a child is placed, maintain a strict supervision over the handicapped children under its care and jurisdiction, shall cause them to be visited when advisable, and shall cause a record to be kept showing their condition and improvement.

**Agreements  
with parents  
or guardians** 261. It may enter into agreements with parents, guardians and persons responsible for the care of handicapped children to pay such amounts as they may be able toward the cost of services for a handicapped child.

**Consent of  
parent or  
guardian** 262. This article does not authorize the care, treatment, or supervision of or any control over handicapped children without the written consent of a parent or guardian.

263. The revolving fund which was heretofore created by Section 2979c of the Political Code is continued in existence and shall be known as the Physically Defectives' Revolving Fund. Revolving fund

It shall be used in carrying out the provisions of this article, and may be expended under the direction of the State department for services furnished under the authority of certificates of the superior court made pursuant to this article.

(Added by Stats. 1939, Ch. 102, as part of codification.)

264. The State department may receive gifts, legacies and bequests and expend them for the purposes of this article, but not for administrative expenses. Gifts

265. It may appoint an assistant secretary and other necessary employees to assist in carrying out the provisions of this article. The assistant secretary, if available, shall be a person who has knowledge of public health and social welfare services and is trained and qualified in the work of treatment and care of handicapped persons. Assistant secretary and other employees

266. It may appoint other assistants and employees who are willing to assist it in carrying out the provisions of this article, without compensation. Noncompensated employees

267. The governing body of any public institution subject to the authority and under the control of the State Department of Institutions, or of political subdivisions of the State, in which hospital facilities are maintained which can be used for the purposes of this article may, upon such terms as may be agreed upon, without charge, place facilities at the disposition of the State Department of Public Health to be used in providing services for handicapped children. Facilities of public institutions

268. The board of supervisors in each county may provide for services for any handicapped child in each county, when the parents or guardian consent in writing and when the parents or estate of the child is not financially able to provide services. The county may cooperate in this service with the State department and pay the cost as provided in this article or may perform the services independently, if such services meet minimum standards set by the State Board of Public Health for the care of physically handicapped children. County services

(Amended by Stats. 1943, Ch. 210.)

269. In order to provide facilities for the services for handicapped children, the board of supervisors may cooperate with the State Department of Public Health and the State Department of Social Welfare in making use of existing hospital facilities under the supervision or inspection of those departments, within or without their respective counties. County use of State facilities

270. The board of supervisors may levy a special tax which shall not exceed in any one year the sum of three mills on each dollar on the assessed valuation of the taxable property in the county. The tax shall be in addition to all other County tax

taxes provided for, and shall be deposited in a special fund and be expended for the purposes of this article. The board of supervisors may transfer money from the general fund to this special fund in such amounts and at such times as the board may determine, which money shall be used in carrying out the purposes of this article.

### Article 3. Child Hygiene

**Bureau of Child Hygiene** 300. The State Department of Public Health shall maintain a Bureau of Child Hygiene which in addition to other duties and powers prescribed in this article shall have charge of such matters and shall have such powers as may, from time to time, be referred and delegated to it by the department.

**Chief** 301. The State department shall appoint a chief of the bureau who shall be a duly licensed and practicing physician of any system of therapeutics.

**Powers** 302. The bureau, under the direction and supervision of the department, may investigate, and disseminate educational information relating to, conditions affecting the health of the children of this State.

**Limitation on powers** 303. This article does not give the bureau power to force compulsory medical or physical examination of children.

**Advice** 304. Upon request, the bureau shall advise all public officers, organizations, and agencies interested in the health and welfare of children in the State.

### Article 4. Dental Hygiene

**Bureau of Dental Hygiene** 350. The State Department of Public Health shall maintain a Bureau of Dental Hygiene which in addition to other duties and powers prescribed in this article shall have charge of such matters and shall have such powers as may be referred and delegated to it by the department.

**Chief** 351. The department shall appoint a chief of the bureau.

**Powers** 352. The bureau, under the direction and supervision of the department, may investigate, and disseminate educational information relating to, conditions of dental hygiene affecting the health of the children of this State.

**Limitation on powers** 353. This article does not give the bureau power to force compulsory dental examination of children.

**Advice** 354. Upon request, the bureau shall advise all public officers, organizations, and agencies interested in the health and welfare of children in the State.



## Article 5. State Hygienic Laboratory

374. There is established and shall be maintained at the University of California, at Berkeley, for the use of the State department, a hygienic laboratory for bacteriological and chemical analyses, which shall be under the management and control of the department. State hygienic laboratory

375. Branches of the laboratory may be established and maintained by the State department at such other places in the State as the department may determine to be necessary for the protection of the public health. Branches

376. The State department shall appoint a chief of the laboratory who shall be a skilled bacteriologist and chemist, and, who, subject to the control of the department, shall have general supervision of the laboratory and any branch laboratories that may be established under the provisions of this article. Chief

377. The State department shall appoint an assistant chief for each branch laboratory established, who shall likewise be a skilled bacteriologist and chemist. Assistant chief

## Article 6. Sanitary Engineering

400. The State Department of Public Health shall maintain a Bureau of Sanitary Engineering which shall have charge of such matters and shall have such powers as may be referred and delegated to it by the department. Bureau of Sanitary Engineering

401. The State department shall appoint a chief of the bureau who shall be a graduate sanitary engineer. Chief

## Article 7. Bureau of Tuberculosis

410. The State Department of Public Health shall maintain a Bureau of Tuberculosis which shall have charge of such matters and shall have such powers as may be referred and delegated to it by the department. Bureau of Tuberculosis

411. The State department shall appoint a chief of the bureau who shall be qualified and trained in public health work. Chief

412. The bureau shall:

- (a) Register all tuberculous persons in the State.
- (b) Supervise all hospitals, dispensaries, sanatoria, preventoria, farm colonies, and other public or private institutions for tuberculosis.
- (c) Advise officers of State penal and charitable institutions regarding the proper care of tuberculous inmates.

Powers generally

(d) Conduct such educational and publicity work in connection with tuberculosis as may be necessary.

Administration of tuberculosis fund 413. The bureau shall administer the fund for State aid to cities, counties, and groups of counties for the care of patients who are county charges in tuberculosis wards or hospitals maintained by cities, counties, or groups of counties.

Investigations 414. The bureau shall inspect and investigate and have access to all records and departments of all institutions, both public and private, where tuberculous patients are treated.

Report The bureau shall prepare annually for each institution a report of its rating on sanitary construction, enforcement of sanitary measures, adequate provision for medical and nursing attendance, provision for proper food, and such other matters of administration as may be designated.

Administration of the fund for the care of patients who are county charges in tuberculosis wards and hospitals maintained by cities, counties, or groups of counties, shall be based on its reports and rules and regulations.

## PART 2. LOCAL ADMINISTRATION

### CHAPTER 1. HEALTH OFFICERS AND ORDINANCES

#### Article 1. County Health Ordinances and Officers

County health ordinances 450. The board of supervisors of each county shall adopt orders and ordinances necessary for the preservation of the public health in the unincorporated territory of the county, not in conflict with general laws, and provide for the payment of all expenses incurred in enforcing them.

Health officer 451. Each board of supervisors shall appoint a health officer who is a county officer.  
(Amended by Stats. 1939, Ch. 413.)

Expenses 451.5. The actual and necessary expenses of the health officer incurred while traveling to and from and while attending the annual convention of his association or of any other meeting designated by the board of supervisors shall be a county charge. The expenses of attending the annual convention of his association shall not exceed the sum of fifty dollars (\$50).  
(Added by Stats. 1939, Ch. 413.)

General functions 452. The county health officer shall enforce and observe in the unincorporated territory of his county, all of the following:  
(a) Orders and ordinances of the board of supervisors, pertaining to the public health and sanitary matters.  
(b) Orders, quarantine regulations, and rules prescribed by the State Department of Public Health.  
(c) Statutes relating to public health.

453. Each county health officer shall report to the State department all violations of the State health laws that come to his attention.

Reports to  
State de-  
partment

454. The county health officer shall be a graduate of a medical college of good standing and repute. His compensation shall be determined by the board of supervisors.

Qualifica-  
tions,  
compensation

(Amended by Stats. 1943, Ch. 925.)

455. The county health officer shall give to the duties of his office such time and attention as may be necessary to secure general supervision of all matters pertaining to the health and sanitary condition of the county, and when so required by the board of supervisors he shall give all of his time to his duties.

Performance  
of duties

456. Immediately after the appointment of the health officer, the board of supervisors shall notify the director of the appointment and the name and address of the appointee.

Notice of  
appointment

## Article 2. County Health Administration for Cities

476. When the governing body of a city in the county consents by resolution or ordinance, the county health officer shall enforce and observe in the city all of the following:

Enforcement  
in city by  
county  
health officer

(a) Orders, quarantine regulations, and rules prescribed by the State department.

(b) Statutes relating to the public health.

(Amended by Stats. 1939, Ch. 150.)

477. The resolution or ordinance shall be adopted and a certified copy served on the clerk of the board of supervisors on or before the first day of March of any year, and the services of the county health officer in the city shall commence on the first day of July next succeeding the giving of notice. The services shall continue indefinitely until the governing body of the city terminates them by adoption of a resolution and ordinance and service of a certified copy on the clerk of the board of supervisors on or before the first day of March of any subsequent year. The services of the county health officer shall terminate on the first day of July immediately succeeding the giving of the notice.

Duration  
of services

478. In the event of major disaster or other emergency, the governing body of a city for which the county health officer is not acting may contract with the board of supervisors of the county in which the city is located for the performance by the county health officer of any and all functions relating to the public health.

Contracts in  
emergencies



Article 2A. Contracts for Local Health Administration  
(Article 2A added by Stats. 1939, Ch. 150.)

Contract for  
enforcement  
in city by  
county

480. The board of supervisors may contract with a city in the county, and the city, through its governing body, may contract with the county for the performance by health officers or other employees of the county of any or all functions relating to, the enforcement in the city of all ordinances thereof relating to public health and sanitation, and the making of all inspections and the performance of all functions in connection therewith.

(Added by Stats. 1939, Ch. 150.)

Powers of  
county  
health officer

481. Whenever the contract has been duly entered into, the county health officer and his deputies shall thereupon exercise the same powers and duties in the city as are conferred upon health officers thereof by law.

(Added by Stats. 1939, Ch. 150.)

Compensation

482. In the contract the city may provide for the payment by the city to the county of such consideration as may be agreed upon, to be paid to the county treasurer of the county, which compensation shall be payable at such times as are specified and shall be in an amount to repay the county for the entire cost to it of the services performed for the city and required in the enforcement of ordinances under the terms of the contract, as nearly as can be estimated or ascertained.

(Added by Stats. 1939, Ch. 150.)

Enforcement  
in county  
by city

483. The board of supervisors may contract with a city in the county, through its governing body, to secure the performance by the health officer or other health employees of the city, in any unincorporated territory adjacent to the city, of any or all functions relating to public health.

(Added by Stats. 1939, Ch. 150.)

Compensation

484. Payment for the services in the unincorporated territory shall be made by the county to the city treasurer of the city.

(Added by Stats. 1939, Ch. 150.)

Contract  
of county  
for services  
in schools

485. The board of supervisors may contract with the county superintendent of schools of the county for the performance by health officers or other employees of county health departments of any or all of the functions and duties set forth in Chapter 4 of Part 1 of Division 1 of the School Code, relating to health supervision of elementary school buildings and of pupils enrolled in the elementary schools of any or all elementary school districts over which the county superintendent of schools has jurisdiction.

In the contract the consideration shall be such as may be agreed upon by the board of supervisors and the county

superintendent of schools and shall be paid by the county superintendent of schools at such times as shall be specified in the contract to the county treasurer.

(Added by Stats. 1939, Ch. 150.)

486. A contract under this article, except contracts with county superintendents of schools, may provide for the care and support, including medical attendance, of indigent sick, and for compensation therefor.

Provisions  
in contract

(Added by Stats. 1939, Ch. 150.)

### Article 3. County Health Administration for Unincorporated Towns

491. When public necessity requires, the board of supervisors may appoint a health officer for any unincorporated town who shall, under the supervision of the county health officer, exercise all necessary diligence in executing in the town all of the following:

Health  
officer

(a) Ordinances, rules, and regulations of the board of supervisors relating to health and sanitary matters.

(b) Rules and regulations of the department relating to health and sanitary matters.

492. Each town health officer shall report to the State department all violations of the State health laws that come to his attention.

Reports

493. His term of office and compensation shall be fixed by the board of supervisors, and he shall receive as his compensation for services not exceeding one hundred dollars (\$100) in any one year.

Term  
Compensation

### Article 4. City Health Ordinances, Boards, and Officers

500. The governing body of a city shall by ordinance adopt for the regulation of sanitary matters in the city such rules and regulations as are necessary and proper, and shall supervise all matters pertaining to the sanitary condition of the city.

Ordinances

501. This article does not prevent the appointment by the governing body of a board of health which shall be advisory to the health officer.

Advisory  
board

502. Every governing body of a city shall appoint a health officer who shall receive for his services such compensation as may be determined by the governing body and shall hold office at its pleasure.

Health  
officer

503. Immediately after the appointment of the city health officer the governing body shall notify the director of the appointment and the name and address of the appointee.

Notice of  
appointment

Duties 504. Each city health officer shall enforce and observe all of the following:

(a) Orders and ordinances of the governing body of the city pertaining to the public health.

(b) Orders, quarantine regulations, and rules, concerning the public health, prescribed by the State department.

(c) Statutes relating to the public health.

Reports to State department: Violations 505. Each city health officer shall report to the State department all violations of the State health laws that come to his attention.

Sanitary conditions 506. Each city health officer shall report to the director at such times as the department may require, as to the sanitary condition of his locality.

Diseases 507. The city health officer shall report in writing to the State department, upon blanks furnished by it, at such times as the department requires, all infectious, contagious, and communicable diseases in man or beast which come to his knowledge.

Epidemics 508. The city health officer, in cases of local epidemic of disease shall report to the State department all facts concerning the disease, the measures taken to prevent or abate its spread, infection, or contagion, and such other matters within his knowledge or jurisdiction as the department may require.

Failure to appoint health officer 509. If the governing body of any city neglects to provide a health officer the State department may direct the district attorney to begin an action against the governing body to compel the performance of its duty, or the State department may appoint a health officer for the city, and the expenses of the health officer shall be a charge against the city for which the appointment is made.

## CHAPTER 2. PUBLIC HEALTH NURSES

Appointment by cities 600. The governing body of a city may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may at the date of her employment be prescribed by the State department.

Duties 601. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the city as the governing body may assign to her. Her compensation shall be determined by that body.

Appointment by counties 602. The board of supervisors in each county may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may at the



date of her employment be prescribed by the State department.

603. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the county as the board of supervisors may assign to her. Her compensation shall be determined by that board.

Duties

Compensation

### CHAPTER 3. DENTISTS AND DENTAL HYGIENISTS

700. The governing body of a city may employ one or more dentists or dental hygienists, each of whom shall be a licensed dentist or dental hygienist.

Appointment by city

701. The dentist or dental hygienist shall attend to such dental conditions of the city as the governing body may assign to him. His compensation shall be determined by that body.

Duties

Compensation

702. The board of supervisors in each county may employ one or more dentists or dental hygienists, each of whom shall be a licensed dentist or dental hygienist.

Appointment by county

703. The dentist or dental hygienist shall attend to such dental conditions of the county, as the board of supervisors may assign to him. His compensation shall be determined by that board.

Duties

Compensation

### CHAPTER 4. REGULATION OF PLUMBING

800. The provisions of this chapter shall not apply to any city which has prescribed, or does hereafter prescribe, by ordinance its own system for the licensing of plumbers and the regulation of plumbing within such city by its health or building departments.

Application of chapter

(Added by Stats. 1941, Ch. 575.)

800.5. It is unlawful for any person to carry on business, or labor as a master or journeyman plumber, in any city unless he has obtained from the board of health of the city a license authorizing him to carry on that business, or to labor as such mechanic.

License from city board of health

(Formerly 800. Renumbered and amended by Stats. 1941, Ch. 575.)

801. A license shall be issued only after a satisfactory examination by the city board of health of each applicant upon his qualifications to conduct that business or so to labor.

Examination

802. All applications for license, and all licenses issued, shall state the name in full, age, nativity, and place of residence of the applicant or licensee.

Application

- Record** 803. The secretary of each city board of health shall keep a record of all licenses issued, together with an alphabetical index to the record.
- Publication of list** 804. A list of all licensed plumbers shall be published in the yearly report of the health officer or board of health.
- Approval of plans** 805. The drainage and plumbing of all buildings, both public and private, erected in any city shall be executed in accordance with plans previously approved in writing by the board of health of the city.
- Filing plans** 806. Suitable drawings and description of the drainage and plumbing shall, in each case, be submitted to the city board of health, and placed on file in the health office.
- Buildings heretofore erected** 807. The city board of health may also receive and place on file drawings and descriptions of the drainage and plumbing of buildings heretofore erected.
- Tax levy and appropriation** 808. The governing body of the city shall make the necessary appropriation and tax levies, and shall insert them in the yearly tax levy, to provide for carrying out the provisions of this chapter. The appropriations and levy shall be made at the same time and in the same manner as appropriations and tax levies are made for other city purposes.
- Enforcement** 809. In any city where there is a health officer, but no board of health, the health officer shall perform all the duties required by this chapter of the board of health until a board of health is created. In any city where there is no health officer nor board of health, the governing body shall create a board of health, which shall perform the duties required by this chapter of the board of health or health officer.
- Injunction** 810. Any superior court may restrain by injunction the continuance of work to be done upon or about buildings or premises where the provisions of this chapter have not been complied with, and no undertaking shall be required as a condition to, or by reason of, the granting or issuing of the injunction.
- Penalty** 811. Every person who violates any provision of this chapter is guilty of a misdemeanor.

#### CHAPTER 5. LOCAL HEALTH AND SAFETY REGULATIONS

- Sanitary tax** 850. Any board of supervisors may levy a special sanitary tax, not to exceed one-half mill on the one dollar (\$1) of assessed valuation, on all the property in the county, outside of any city.
- The tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent

the introduction of dangerous, infectious, or communicable diseases, to eradicate them if introduced, and for the purpose of general sanitation.

851. Any board of supervisors may adopt such rules and regulations with regard to keeping and storing of every description of gunpowder, hercules powder, giant powder, or other explosives or combustible material, as the safety and protection of the lives and property of individuals may require. Explosives

## CHAPTER 6. LOCAL HEALTH DISTRICTS

### Article 1. Definitions and General Provisions

880. "District," as used in this part, refers to a district organized pursuant to this chapter or pursuant to any law which it supersedes. District

881. "District board," as used in this part, refers to the board of trustees of the district. District board

882. For the purposes of this chapter all unincorporated territory in a proposed district and in one county only shall be regarded as an entirety and as a "unit," and each city in a district shall likewise be regarded as a "unit." Unit

883. If the territory of the proposed district is in more than one county, the phrase "board of supervisors" as used in this chapter includes the plural as well as the singular and the same procedure and law as set forth in this chapter for the establishing of a district in one county only likewise applies to the adjoining county or counties all or a portion of whose territory is included in the proposed district. Board of supervisors

884. Chapter 1 of this part shall not apply to any area in a district except as to ordinances. Law applicable

(Added by Stats. 1939, Ch. 150.)

### Article 2. Formation

900. A local health district may be organized pursuant to this chapter. Formation

901. A petition to form a district may consist of any number of separate instruments. Petition

902. The petition shall set forth and describe the boundaries of the proposed district and shall pray that it be organized as a local health district.

903. A district may include incorporated or unincorporated territory, or both, in one or more counties. Territory



The territory of the district shall consist of contiguous parcels only.

The territory of a city shall not be divided.

Consent  
of city

904. Before a city can be included in the proposed district, the governing body of the city shall, by resolution duly authenticated, request the inclusion of the city.

Signatures

905. A petition to form a district shall be signed by registered voters of each unit of the proposed district equal in number to at least 10 per cent of the number of votes cast in each unit respectively for the office of Governor at the last preceding general election at which a Governor was elected.

Presentation

906. The petition may be presented at a regular meeting of the board of supervisors of the county in which all or a portion of the proposed district is situated.

Publication  
of notice

907. There shall be published in a daily, semiweekly, or weekly newspaper of general circulation printed and published in each city included in the proposed district for four successive publications all of the following:

(a) A reference to the text of the petition.

(b) A notice of the time of the meeting of the board stating when the petition will be presented and that all persons interested may then appear and be heard.

Posting  
of notice

908. If there is situated in the proposed district any city in which there is no such newspaper there shall be posted, prior to the time the petition is to be presented, for 30 successive days in three public places in the city, with the text of the petition as specified in this chapter, a notice of the time of presentation of the petition.

Filing

909. At least one month prior to the time at which the petition is presented for hearing, a copy of the text of the petition and of the notice shall be filed with the State department and with the board of supervisors of the county or counties in which it is proposed to form the district.

Posting

910. In each city and unincorporated unit in a proposed district there shall be posted, prior to the time at which the petition is to be presented, for 30 successive days, copies of all of the following:

(a) Text of the petition.

(b) The notice.

911. When the petition is composed of more than one instrument, one copy only need be posted or published.

912. No more than five of the names attached to the petition need appear in the publication or posting, but the number of signers shall be stated.

913. At the time the petition is presented the board of supervisors shall consider the petition and hear those appearing on, and all protests and objections to, it. It may adjourn the hearing from time to time, not exceeding two months in all. Hearing

914. Upon the hearing of the petition the board of supervisors shall determine whether it complies with the provisions of this chapter and whether the public necessity or the welfare of the inhabitants of the proposed territory requires the formation of the district. Finding

915. On the final hearing the board shall make such changes in the proposed boundaries as may be advisable and shall define and establish the boundaries. Changes In boundary

If the board deems it proper to include in the district any territory not included within the boundaries proposed in the petition, the board shall first give notice of its intention to do so, in the manner required for notice of the initial hearing.

916. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings if the petition has a sufficient number of qualified signatures. Defects

917. The findings of the board of supervisors are final and conclusive against all persons except the State in a suit commenced by the Attorney General. Finality

918. If it appears to the board of supervisors that the petition complies with the provisions of this chapter and that the public necessity or the welfare of the inhabitants requires the formation of the district, it shall by an order entered on its minutes declare its findings, and shall declare and order that the territory within the boundaries so fixed and determined be established as a district, under an appropriate name selected by the board. The name shall include the words "local health district." Order establishing district

919. No district involving more than one county shall be formed without the concurrent consent of the respective board of supervisors of each of the counties, as well as the consent of the cities included. Consent of counties

920. The county clerk of the county in which the order is issued shall immediately file a certified copy of the order with the Secretary of State and with the county clerk of each county in which, or any portion of, the district is situated. Transmission of order to Secretary of State

Within 10 days after the filing the Secretary of State shall issue and deliver to the county clerk a certificate of incorporation reciting that the district (naming it) has been incorporated. Certificate of incorporation

The county clerk shall deliver the certificate of incorporation to the board of trustees of the district at its first meeting.

**Effective date** 921. From and after the date of the certificate of incorporation, the district is incorporated as a district with all the rights, privileges, and powers set forth in this chapter and those necessarily incident thereto.

**Delivery of orders to Secretary of State** 922. The district is incorporated when the respective counties have fully complied with this chapter, and when the Secretary of State has received the respective certified copies of the orders of the counties and delivered to the respective county clerks within the time specified in this chapter his certificate of incorporation reciting that the district has been incorporated.

### Article 3. Board of Trustees

**Board** 925. The governing board of the district is called "the board of trustees of ---- Local Health District" (inserting the name of the particular district).

Within 30 days after the issuance by the Secretary of State of the certificate of incorporation of the district, the district board shall be appointed.

**Membership** 926. The district board shall consist of at least five members. One member shall be appointed from each unit of unincorporated territory by the board of supervisors of the county in which the unit is situated.

One member shall be appointed from each city in the district, by the governing body of the city.

If the district board thereby created consists of less than five members additional members shall be appointed according to one of the following methods:

(a) If the district is in one county only the board of supervisors shall make the appointment from the district at large of enough additional members to make a board of five trustees.

(b) If there are several units of the district in more than one county, one additional member by the board of supervisors of each county where a unit is situated.

(c) By the boards of supervisors jointly if the district includes units in several counties and only one additional member is to be appointed.

**Vacancy** 927. A vacancy shall be filled by the appointing power for the unexpired term.

**Terms** 928. The members shall hold office for the term of two years from the second day of the calendar year next succeeding their appointment; however, the members of the first district board appointed in a district shall at the first meeting of the board so classify themselves by lot that one-half of



their number, if the total membership is an even number, and if uneven, that a bare majority of their number, shall go out of office at the expiration of one year from, and the remainder at the expiration of two years from, the second day of the calendar year next succeeding their appointment.

929. The members of the district board shall meet on the first Monday subsequent to 30 days after the issuance of the certificate of incorporation by the Secretary of State, and shall organize by the election of one of their members as president and one as secretary. First meeting

930. The members of the district board shall serve without compensation except that each shall be allowed his actual necessary traveling and incidental expenses incurred in attending meetings of the board. Compensation

931. The district board shall provide for the time and place of holding its regular meetings and the manner of calling them, and shall establish rules for its proceedings and may adopt such rules and regulations as may be necessary for the exercise of its powers and duties. Meetings

Special meetings of the district board may be called by three members upon notice mailed to each member at least 48 hours before the meeting.

All of its sessions, whether regular or special, shall be open to the public, and a majority of the members shall constitute a quorum for the transaction of business.

#### Article 4. District Powers

935. A local health district may exercise the powers in this chapter granted or necessarily implied. Powers

936. A district may do any or all of the following:

- (a) Have and use a corporate seal and alter it at pleasure.
  - (b) Sue and be sued in all actions and proceedings.
  - (c) Purchase, receive, have, take, hold, lease, use, and enjoy property of every kind and description, both within and without the limits of the district, and control, dispose of, convey, and encumber it and create a leasehold interest in it for the benefit of the district.
  - (d) Acquire, construct, maintain, and operate all works and equipment necessary for the inspection of water, milk, meat, and other foods.
  - (e) Acquire, construct, maintain, and operate all works and equipment necessary for the extermination of rodents.
  - (f) Acquire, construct, maintain, and operate all works and equipment necessary for the disposal of garbage and waste.
  - (g) Employ public health nurses and health visitors and cooperate with educational authorities in health inspection in public or private schools in the district.
- Powers enumerated

(h) Exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district.

(i) Enforce all statutes relating to the public health and vital statistics, and all orders, quarantine regulations, and rules prescribed by the State Department of Public Health.

(j) Enforce such local orders and ordinances pertaining to health and sanitary matters within the district as may be authorized by the appropriate local authorities.

(k) Unite with any other local health district in the exercise of any of the powers granted to and vested in the districts, the cost to be paid by each district in such proportion as may be agreed upon by the respective district boards.

(l) Exercise all other needful powers for the preservation of the health of the inhabitants of the district, whether the powers are expressly enumerated in this chapter or not.

Construction  
of chapter

The powers granted in this chapter shall be liberally construed for the purpose of securing the well-being of the inhabitants of the district.

## Article 5. Administration and Operation

Health  
officer

940. The district board shall appoint and fix the compensation of a district health officer, who may be removed by the board only by a two-thirds vote of the members. He shall be the holder of a degree in medicine, in sanitary engineering, or in public health, and shall have had at least one year's experience in public health work. He shall devote his entire time to the duties of his office and shall not engage in any other occupation or business.

Offices, em-  
ployees, etc.

941. The district board shall provide suitable supplies, equipment, and office facilities for the district health officer and, upon his recommendation, shall fix the compensation and define the powers and duties of such deputies and assistants as the board may deem necessary to carry out the provisions of this chapter.

If a meat inspector is employed, he shall be a graduate veterinarian legally qualified to practice veterinary medicine in the State.

Expenses

942. The district health officer, his deputies, and his assistants, shall receive their actual necessary expenses incurred in the performance of their duties. In enforcing State statutes, orders, regulations, and rules, and local orders and ordinances the district health officer shall have such powers as are or may be hereafter conferred by general law upon county or city health officers.

Powers of  
health officer

Appoint-  
ments

943. All district officers, deputies, and assistants, other than the health officer and the members of the district board, shall be appointed and may be removed by the district board on the recommendation of the district health officer, subject to such

rules and regulations as the district board may adopt for the appointment and employment of deputies and assistants, based on merit, efficiency, character, and industry.

944. The district health officer is the administrative head of the district and, except as otherwise prescribed in this chapter, shall exercise the powers granted to and vested in the district; except that he may not purchase property or incur expenditures without the approval or ratification of the district board. Powers of health officer

## Article 6. Finances and Taxation

950. Annually, at least 15 days before the first day of the month in which county taxes are levied, the district board shall furnish to the board of supervisors of the county in which any part of the district is situated an estimate in writing of the amount of money necessary for all purposes required under the provisions of this chapter during the next ensuing fiscal year. Annual tax

Thereupon the board of supervisors shall levy a special tax upon all taxable property of the county lying within the district sufficient in amount to maintain the district.

951. If the district embraces territory lying in more than one county, the amount estimated shall be ratably apportioned among the several counties in the district in proportion to the assessed value of the property in the several counties included within the district as shown upon the last assessment rolls of the counties, and the estimate apportioned to the several counties shall be rendered to their respective boards of supervisors and the tax shall be levied and collected by the officials of each county upon the property of the district lying therein. Apportionment

952. The tax for a district shall in no case exceed the rate of fifteen cents (\$0.15) on each one hundred dollars (\$100) of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes. Rate

953. The tax shall be computed, entered upon the tax rolls, and collected in the same manner as county taxes are computed, entered, and collected. All moneys so collected shall be paid into the county treasury to the credit of the district fund and shall be paid out on the order of the district board, signed by the president and secretary. Collection

## Article 7. Annexation of Territory

958. Any territory, incorporated or unincorporated, lying adjacent and contiguous to a district, may be annexed to the district at any time upon proceedings being had and taken as provided in this chapter; except that in the annexation the territory of a city shall not be divided. Annexable territory



**Petition** 959. Upon receiving a written petition containing a description of territory proposed to be annexed to the district, signed by the owners of more than one-half of the assessed value of the territory as shown by the last county assessment roll, and asking for annexation to the district, the district board shall thereupon submit to the electors of the district and to the electors residing in the territory proposed to be annexed, the proposition whether the territory shall be annexed to the district.

**Election** 960. The election shall be called and held, and notice shall be published for at least four weeks prior to the election in a newspaper printed and published in the district, and also in a newspaper printed and published in the territory proposed to be annexed.

**Ballot** 961. The proposition to be submitted to the electors at the election, both within the district and within the territory proposed to be annexed, shall be as follows: "For annexation," and "Against annexation," or equivalent words.

**Canvass of votes** 962. The district board shall canvass the votes cast in the district, and the votes cast in the territory proposed to be annexed, and if it appears from the canvass that a majority of all the ballots cast in the district and a majority of all the ballots cast in the territory proposed to be annexed are in favor of annexation, the district board shall certify that fact to the Secretary of State, describing the property proposed to be annexed.

**Certificate of annexation** Upon receipt of the certificate, the Secretary of State shall issue his certificate of annexation reciting that the territory (describing it) has been annexed to the ----- Local Health District (naming it), and a copy of the certificate of the Secretary of State shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated.

**Effect** 963. From and after the date of the certificate of annexation the territory described in it is annexed to and forms a part of the district.

**Consent of city** 964. If the property proposed to be annexed includes a city, consent to annexation shall first be obtained from its governing body and an authenticated copy of the resolution or order giving consent shall be attached to and made a part of the petition.

## Article 8. Dissolution

**Election** 967. A district may at any time be dissolved upon the vote of two-thirds of its qualified electors voting at an election called by the district board upon the question of dissolution and the proposition which shall be submitted to the

electors at the election shall be as follows: "Shall the district be dissolved?"

968. The election shall be called and held, and notice shall be published for at least four weeks prior to the election in a newspaper printed and published in the district. Notice

969. If two-thirds of the votes cast at the election are in favor of dissolution, the district board shall certify the fact to the Secretary of State, and upon receipt of the certificate, the Secretary of State shall issue his certificate of dissolution reciting that the district (naming it) has been dissolved, and a copy of the certificate shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated. Certificate of dissolution

970. From and after the date of the certificate of dissolution the district is disincorporated and the property of the district shall be ratably apportioned among the several cities included in the district and the counties in which any portion of the district is situated, in proportion to the assessed value of the property included within the district as shown upon the last county assessment roll or rolls. Property

## CHAPTER 7. MUNICIPAL AND COUNTY LABORATORIES

1000. For the purpose of protecting the community against infectious disease, any city or county may establish a bacteriological and chemical laboratory for the examination of specimens from suspected cases of disease and for the examination of milk, waters, and food products. Purposes

1001. The cost of establishment and maintenance of the laboratory is a legal expenditure from any city or county funds that are for disbursement under the direction of the city or county health officer for the protection of public health. Cost

1002. Any city or county laboratory established for the purposes set forth in this chapter shall use only equipment and employ only technical personnel that meets with the approval of the State department. Approval by State department

(Amended by Stats. 1939, Ch. 259.)

## DIVISION 2. LICENSING PROVISIONS

### CHAPTER 1. CLINICS AND DISPENSARIES

#### Article 1. Definitions and General Provisions

1200. "Clinic" as used in this chapter, includes "dispensary." "Clinic"

1201. "Operate," as used in this chapter, and any of its variants, includes "conduct" and "maintain," and any of their variants. "Operate"

"Clinic" 1202. A clinic is a place, establishment, or institution operated by any person for the purpose of furnishing at the place, establishment, or institution, either independently or in connection with any other purpose, under the name or title of clinic, dispensary, health center, or any other word or phrase of like or similar import, without charge, for part pay, or for full pay, advice, diagnosis, treatment, medicines, drugs, appliances, or apparatus to any person not residing or confined in the place, establishment, or institution and who is afflicted with bodily or mental disease, or injury. A clinic does not include governmental health officers or school employees performing the duties, respectively, of their office or employment, for the purpose of advising and informing persons of means and measures to prevent or avoid disease or injury.

Classes 1203. Clinics are of the classes defined in this chapter.

Charitable 1204. A charitable clinic is a clinic supported and maintained in whole or in part by donations, devises, bequests, gifts, or charity, in which advice and treatment concerning bodily and mental diseases and injuries is given without charge. The making and collecting from persons advised or treated in a charitable clinic of a nominal charge on account of administrative costs, if approved by the director, does not affect the status or classification of a charitable clinic.

Teaching and  
research

1205. A teaching and research clinic is:

(a) A clinic operated in connection with and as a part of any institution of learning, approved as to the mode of healing taught by the State agency having jurisdiction, for the teaching of any mode of healing recognized by the laws of this State.

(b) A clinic operated for the purposes of teaching medicine, surgery, dentistry, optometry, osteopathy, chiropractic, or drugless healing, or for research in subjects pertaining thereto or to public health, and supported in whole or part by any trust donation, bequest or foundation, the purposes of which are approved by the State Board of Public Health.  
(Amended by Stats. 1941, Ch. 487.)

Employer's  
clinic

1206. An employer's clinic is a clinic operated without profit to the employer, by an employer for the prevention and treatment of accidental injuries to, and the care of the health of, his employees only.

Private  
pay clinic

1207. A private pay clinic is a clinic operated by any practitioner of the healing arts licensed to practice under any law of the State, who uses or holds out to the public the designation of clinic, dispensary, health center, or any other word or phrase of like import, and who charges and collects fees from persons advised or treated by him in such clinic for



advice, diagnosis, treatment, service, or for drugs, medicines, appliances, or apparatus.

1208. A governmental clinic is a clinic operated by this State, or by any political subdivision, county, district, or city in this State. Governmental clinic

1209. No corporation, other than a charitable, benevolent, or educational corporation, shall operate a charitable or a teaching and research clinic, and no person shall operate a charitable or a teaching and research clinic, except for benevolent, charitable, or educational purposes. Operation by corporation

1210. No person other than an employer shall operate an employer's clinic. Employer's clinic

1211. No employer's clinic shall be operated for profit.

1212. No private pay clinic shall be operated by a corporation or by any person not duly licensed under the laws of the State to practice medicine, surgery, dentistry, optometry, osteopathy, chiropractic, or drugless healing. Private pay clinic  
(Amended by Stats. 1941, Ch. 487.)

1213. This chapter does not apply to clinics operated by the United States of America or by any of its departments, officers, or agencies. Operation by United States

1214. This chapter does not authorize any person other than a licensed practitioner of a healing art, or any corporation, except as expressly provided in this chapter, to furnish to any person medical or surgical advice, services, or treatment. Application of chapter

This chapter does not authorize any person other than a licentiate of a healing art to engage directly or indirectly in the practice of medicine, or surgery, or dentistry, or optometry.

This chapter does not regulate, govern, or affect in any manner the practice of medicine, surgery, dentistry, optometry, osteopathy, chiropractic, or drugless healing by any person duly licensed to engage in such practice.

This chapter does not repeal, alter, modify, or otherwise affect any act defining, or governing, or regulating the practice of medicine, surgery, dentistry, optometry, osteopathy, chiropractic, or drugless healing.

(Amended by Stats. 1941, Ch. 487.)

1215. The provisions of this chapter do not apply to hospitals or hospital departments wholly or partly maintained by an employer for the purpose of furnishing his employees with medical or surgical examination or treatment or to any hospital corporation organized and operated exclusively for charitable purposes, or to any teaching or educational institution exempt from income taxation under the Federal revenue acts. Scope of chapter

(Amended by Stats. 1943, Ch. 407.)

## Article 2. Permits to Operate

- Permit** 1218. All persons now operating or hereafter desiring to operate a clinic shall make written application to the board for a permit to operate.
- Application** 1219. The application shall contain at least the following:
- (a) The name and the address of the persons owning the place, establishment, or institution in which the clinic is to be, or is, operated.
  - (b) The name and the address of the persons operating or to operate the clinic.
  - (c) The class of clinic operated or proposed to be operated.
  - (d) The name and address of the professional licentiate responsible for the operation of the clinic.
  - (e) The kind and nature of the advice and treatment given or to be given.
  - (f) A full description of the building, its location, facilities, equipment, apparatus, and appliances to be furnished or used in the operation of the clinic.
  - (g) The sources of the funds and income for the operation of the clinic.
  - (h) The amount of the administrative or other charges, if any, to be made against patients.
  - (i) Except in the case of private pay clinics, the schedule of fees, if any, to be charged patients.
  - (j) Such additional information as the director and the board may require by any rule or regulation.
- Verification of application** 1220. The application shall be verified, before an officer of the State authorized to administer oaths, by the person, or a member of the firm or association, or an officer of the corporation, making the application.
- Renewal** 1221. Application for renewal of permit shall be made annually by every person holding a permit to operate a clinic; but no application for renewal need be made by any person desiring to continue the operation of an employer's clinic, or a research clinic operating under a nonprofit foundation registered with the United States Government for tax exemption.
- Investigation** 1222. Upon the filing of any application for a permit or for renewal, the director shall investigate the facts set forth in the application.
- Report** 1223. If he finds that the statements contained in the application are true and that the establishment or the continued operation of the clinic is in conformity with the intent and purpose of this chapter and that there is need for the clinic in the community in which it is or is proposed to be

operated, and that the establishment or its continued operation is for the benefit of the public health, he shall so report to the board and the board shall issue a permit.

1224. The permits shall contain at least the following: Contents of permit

(a) The name and address of the clinic and of its owner.  
 (b) The name and address of the person charged with the operation of the clinic.

(c) The class of clinic licensed to be operated thereunder.

(d) The year covered by the permit.

All permits shall be signed or countersigned by the director.

1225. If the board does not within three months after the filing of the application issue a permit, it shall state the grounds and reasons for its refusal in writing, furnishing a copy to the applicant. Refusal of permit

1226. The director may at any time visit, enter, examine, and inspect the premises occupied, maintained, and conducted by any clinic, and may examine all matters in relation thereto. The board may designate any city or county health officer its agent for the purpose of this chapter. Examination, inspection, etc.

1227. After due notice to a clinic and reasonable opportunity for it to be heard, the board may, by written order, revoke the permit of a clinic if it appears that the clinic has violated the provisions of this chapter. Revocation of permit

1228. The order shall state the grounds and reasons for revoking the permit and the time at which the revocation shall take effect, and the order shall be subject to review in accordance with law. Order of revocation

### Article 3. Regulations

1230. The director shall annually compile a list of the clinics operated by the United States, or any of its departments, officials, or agencies, in this State, and a record showing the address at which each is situated, the department or official or agency of the United States operating the clinic, the purpose of the clinic, and such other obtainable information as the director or the board requires of the other classes of clinics by any rule or regulation adopted under the provisions of this chapter. List of clinics

1231. The board may make reasonable rules and regulations for the operation of clinics in order: Rules and regulations

(a) To provide adequate facilities, equipment, and appliances.

(b) To provide the attendance and services of duly qualified licensed practitioners of the healing arts.



(c) To secure sufficient information showing the necessity, basis, and method of any appeal to the public for funds for the support of a clinic so as to avoid unnecessary or wasteful duplication of services, and to show the need of the community, or of the persons proposed to be advised or treated, for the service rendered or proposed to be rendered.

(d) To regulate the purposes and objects for which funds designated in subdivision (c) are applied and to amend or repeal any thereof.

Posting permit 1232. Any person operating a clinic shall display in a public place in the clinic the permit to operate the clinic.

Report of clinic 1233. Every clinic holding a permit shall on or before the fifteenth day of February of each year file with the board, upon forms to be furnished by the board, a verified report showing all of the following:

(a) The number of patients treated in the clinic during the year preceding the making of the report.

(b) The aggregate amount of administration or other charges or fees collected from the patients.

(c) The total amount of money and property received by the clinic, its owner, or manager from all other sources for the support, maintenance, or operation of the clinic.

(d) Such other information and data as the board shall require in the forms of report, to enable the board to carry out the purposes of this chapter.

Report of board 1234. The board shall file an annual report which shall include:

(a) A list of the clinics holding permits granted under this chapter and all clinics operated by the United States or any of its departments, officers or agencies, setting forth the name, address, and class of each clinic, and such other information and data as the board shall require in the furtherance of the public health.

(b) The list of clinics provided for in this chapter.

(c) The rules and regulations provided for in this chapter and then in force.

Publication of report 1235. The report shall be printed and published at least once a year and distributed at the cost of printing by the board.

#### Article 4. Revenue

Permit fee 1240. All clinics other than governmental clinics shall pay prior to the issuance of a permit to operate an annual permit fee to the board in the sum of twenty dollars (\$20).

Report of collections 1241. Within 10 days from the beginning of each month, the director shall report to the State Controller the amounts and source of the collections made under the provisions of this chapter.

1242. At the same time all money so collected shall be paid into the State Treasury and shall be placed to the credit of the Clinic and Dispensary Fund, which fund is continued in existence. Deposit of funds

1243. All amounts paid into the fund are appropriated to the board to be expended only for the purpose of meeting the necessary expenses of the board and the director in the performance by them of the duties imposed by this chapter. Claims against the fund shall be paid in accordance with the provisions of law. Use of funds

(Added by Stats. 1939, Ch. 103, as part of codification.)

### Article 5. Offenses

1251. Every person who operates any clinic without first having obtained a permit to operate it, or who operates it without complying with this chapter, or any rule or regulation provided for in this chapter, is guilty of a misdemeanor. Penalty

### CHAPTER 2. MATERNITY HOSPITALS

1400. A maternity hospital is a hospital, asylum, institution, or boarding house where females may be received, cared for, or treated during pregnancy, or during or after delivery. As used in this chapter "maternity hospital" includes "lying-in asylum." "Maternity hospital"

1401. As used in this chapter the word "operate" and its variants include "maintain," "conduct," "assist in maintaining or conducting as manager or officer," and their variants. "Operate"

1402. As used in this chapter the word "permit" includes "license." "Permit"

1403. It is unlawful for any person to operate a maternity hospital without possessing a permit from the State Department of Public Health. Permit required

1404. The department may issue permits to persons to operate maternity hospitals as provided in this chapter. Issuance

1405. The permit shall be in writing. To be written

1406. The department shall prescribe the conditions upon which permits shall be granted. Conditions for permits

1407. The department shall promulgate such rules and regulations as it may deem best for the government and regulation of maternity hospitals. Rules and regulations

1408. The department may inspect and report upon the conditions prevailing in maternity hospitals. Inspection

Revocation 1409. The permit shall continue until it is revoked for cause after a hearing.

Penalty 1410. Every person who operates a maternity hospital without possessing a permit is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than one year, or by a fine not to exceed five hundred dollars (\$500), or both.

Application of chapter 1411. This chapter does not modify or diminish the authority and control exercised over children by the Department of Social Welfare.

#### CHAPTER 4. BIOLOGICS

(Chapter 4 added by Stats. 1939, Ch. 910.)

"Distribute" 1600. As used in this chapter, "distribute" includes sale and exchange.

(Added by Stats. 1939, Ch. 910.)

"Biologics" 1601. As used in this chapter, "biologics" includes serum, vaccine, live vaccine, killed vaccine, tissue vaccine, autogenous vaccine, live virus, killed virus, live bacterial culture, killed bacterial culture, bacterin, hormone, tissue extract, gland extract, gland preparation, insulin and similar products made from animal tissues or micro-organisms and offered for sale for the prevention or treatment of disease.

(Added by Stats. 1939, Ch. 910.)

Distributors of biologics 1602. No person shall distribute biologics produced other than:

(a) In a laboratory licensed by the United States Public Health Service;

(b) In a laboratory licensed by the Bureau of Animal Industry of the United States Department of Agriculture; or

(c) Under the provisions of this chapter.

(Added by Stats. 1939, Ch. 910.)

Rules and regulations 1603. The State department shall make rules and regulations governing the storage and transportation of all biologics by whomsoever produced and governing the production, standards of potency and truthful advertising of all biologics except those produced under license from any of the following:

(a) United States Public Health Service;

(b) Bureau of Animal Industry of the United States Department of Agriculture.

(Added by Stats. 1939, Ch. 910.)

Standards for equipment 1604. The department shall prescribe minimum standards for equipment of laboratories used in the production of biologics under licenses issued under this chapter.

(Added by Stats. 1939, Ch. 910.)



1605. No person shall engage in the business of preparing biologics in this State, except under a license issued by the State department or the United States Public Health Service or the Bureau of Animal Industry of the United States Department of Agriculture.

(Added by Stats. 1939, Ch. 910.)

1606. The department by rules and regulations shall prescribe minimum standards for the production of various types of biologics.

(Added by Stats. 1939, Ch. 910.)

1607. Applications for licenses shall be made upon forms issued by the State department.

(Added by Stats. 1939, Ch. 910.)

1608. The application shall contain at least the following:

(a) The name and address of the person owning the place, establishment, or institution in which the laboratory is to be operated;

(b) The name and address of the person to operate the laboratory;

(c) The types of biologics to be produced;

(d) A full description of the building, its location, facilities, equipment, and apparatus to be used in the operation of the laboratory;

(e) Such additional information as the department may require by any uniform rule or regulation in order to show compliance with minimum requirements.

(Added by Stats. 1939, Ch. 910.)

1609. The application shall be accompanied by a fee of twenty-five dollars (\$25), which shall be the license fee for the first year or portion thereof, ending December 31st.

(Added by Stats. 1939, Ch. 910.)

1610. Any applicant having a laboratory meeting the prescribed minimum standards shall be thereby entitled to a license.

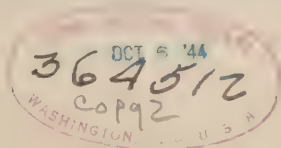
(Added by Stats. 1939, Ch. 910.)

1611. If the department does not within 60 days after the filing of the application issue a permit, it shall state the grounds and reasons for its refusal in writing, serving a copy upon the applicant.

The notice may be served by registered mail addressed to the applicant at his last known address.

(Added by Stats. 1939, Ch. 910.)

1612. Licenses shall be renewed annually thereafter from January 1st.



Applications for renewal shall be made in writing after each November 1st, but not later than each December 20th.

The application shall be accompanied by a renewal fee of five dollars (\$5).

(Added by Stats. 1939, Ch. 910.)

Contents of  
license

1613. The license shall contain at least the following:

(a) The name and address of the laboratory and its owner;  
(b) The name and address of the person charged with the operation of the laboratory;

(c) The types of biologics licensed to be produced;

(d) The year covered by the license.

(Added by Stats. 1939, Ch. 910.)

Tests.

Rules and  
regulations

1614. The State department shall fix reasonable charges for analyzing and testing the products of a licensee, and shall make such rules and regulations, not inconsistent with this chapter as may be necessary to carry out the provisions of this chapter.

(Added by Stats. 1939, Ch. 910.)

Suspension  
or revocation  
of license

1615. Licenses shall be suspended or revoked by the State department for the violation of any provision of this chapter or of any rule or regulation made by the State department under authority conferred by this chapter.

(Added by Stats. 1939, Ch. 910.)

Hearing

1616. Licenses shall be suspended or revoked only after a hearing at which the licensee shall have an opportunity to appear, either in person or by counsel, and to present evidence in his behalf. The licensee shall have at least 10 days' notice of the hearing. The notice may be served by registered mail addressed to the licensee's last known address.

(Added by Stats. 1939, Ch. 910.)

Written  
order

1617. No suspension or revocation of a license shall be effective until after the department has served upon the licensee a written order stating the grounds and reasons for the suspension or revocation. The order may be served by registered mail addressed to the licensee's last known address.

(Added by Stats. 1939, Ch. 910.)

Penalty

1618. The violation of any provision of this chapter or of any rule or regulation issued under this chapter is a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by imprisonment for not more than 30 days, or by both.

(Added by Stats. 1939, Ch. 910.)

Enforcement

1619. The State department shall enforce this chapter.

(Added by Stats. 1939, Ch. 910.)

1620. The department in issuing, suspending, or revoking a license shall be controlled by the facts of each case and shall have no arbitrary discretion. Controlled by facts

(Added by Stats. 1939, Ch. 910.)

1621. District and city attorneys shall prosecute violations of this chapter upon evidence of violations within their respective jurisdictions submitted by the State department. Prosecutions

(Added by Stats. 1939, Ch. 910.)

(Chapter 4 added by Stats. 1939, Ch. 910.)

### DIVISION 3. QUARANTINE AND PEST ERADICATION

#### CHAPTER 1. RAILWAY INSPECTION

1700. Whenever, in the opinion of the State Department of Public Health, there exists imminent danger of the introduction of contagious or infectious diseases into this State, by means of railroad communication with other States, the department shall make an inspection of all railroad cars, coming into the State at such point, or between such points within the State limits, as may be selected for the purpose. Inspection of railroad cars

1701. The inspection shall be made, where practicable, during the ordinary detention of a train at a station, or while in transit between stations, and in all cases shall be so conducted as to occasion the least possible detention or interruption of travel or inconvenience to the railroad companies, so far as consistent with the purposes of this chapter. Place of inspection

1702. If discovery is made of the existence among the passengers of any case of dangerous, contagious, or infectious disease, the State department, under rules and conditions prescribed by it, may: Quarantine and preventive measures

(a) Cause the side-tracking or detention of any car so infected.

(b) Isolate the sick or remove them to a suitable place for treatment.

(c) Establish a suitable refuge station.

(d) Cause the passengers and materials in the infected car to be subjected to disinfection and cleansing before proceeding farther into the State.

(e) In the case of smallpox, offer free vaccination to all persons exposed in any car or at any station.

1703. All expenditures authorized for the purpose of this chapter shall be specified in an itemized account to be presented to the Department of Finance, and paid as other demands on the Treasury are paid; but in no case shall the sum expended exceed that specially appropriated for the purpose. Expenses



## CHAPTER 2. RODENTS

- "Place" 1800. "Place," as used in this chapter, includes land, place, building, structure, wharf, pier, dock, vessel, or water craft.
- "Rodent" 1801. "Rodents," as used in this chapter, means rats, mice, gophers, and ground squirrels.
- "Possess" 1802. "Possess," as used in this chapter, includes control, own, lease, occupy, possess, or have charge of or dominion over.
- Duty to exterminate 1803. Every person possessing any place that is infested with rodents, as soon as their presence comes to his knowledge, shall at once proceed and continue in good faith to endeavor to exterminate and destroy the rodents, by poisoning, trapping, and other appropriate means.
- Inspection of places 1804. The State department, the board of supervisors of each county, local health officers, or inspectors appointed by any of them, as provided in this chapter, may inspect all places for the purpose of ascertaining whether they are infested with rodents and whether the requirements of this chapter as to their extermination and destruction are being complied with. However, no building occupied as a dwelling, hotel, or rooming house, shall be entered for inspection purposes except between the hours of 9 a.m., and 5 o'clock p.m.
- County expense 1805. The board of supervisors of each county and the governing body of each city, whenever it may by resolution determine that it is necessary for the preservation of the public health or to prevent the spread of contagious or infectious disease, communicable to mankind, or when it determines that it is necessary to prevent great and irreparable damage to crops or other property, may appropriate money for the purchase of, and may purchase, poison, traps, and other materials for the purpose of exterminating and destroying rodents in that county or city, and may employ and pay inspectors, who shall prosecute the work of extermination and destruction on both private and public property in the county or city.
- Extermination by State or local health officer 1806. Whenever any person possessing any place that is infested with rodents, fails, neglects or refuses to proceed and to continue to endeavor to exterminate and destroy the rodents, as required in this chapter, the State department and its inspectors, the county board of supervisors and its inspectors, and the local health officer, shall at once cause the rodents to be exterminated and destroyed.
- Expense 1807. The expense of exterminating and destroying the rodents is a charge against the county or city in which the work is done, and the board of supervisors or other governing body shall allow and pay it.

1808. The governing body shall file in the office of the county recorder a notice of the payment, claiming a lien on the property for the amount of the payment. Notice of expense

1809. All sums so paid by the county or city are a lien on the property on which the work was done, and may be recovered in an action against the property. Lien

1810. The action to foreclose the lien shall be brought within 90 days after the payment, and shall be prosecuted by the district or city attorney in the name of the county, or city, as the case may be, and for its benefit. Action to foreclose

1811. When the property is sold, enough of the proceeds shall be paid into the treasury of the county or city to satisfy the lien and the costs, and the surplus, if any, shall be paid to the owner of the property, if known, and if not known shall be paid into the court for the use of the owner when ascertained. Proceeds

1812. If it appears from the complaint in the action that the property on which the lien is to be foreclosed is likely to be removed from the jurisdiction of the court, the court may appoint a receiver to take possession of the property and hold it while the action is pending or until the defendant executes and files a bond, with sufficient sureties, conditioned for the payment of any judgment that may be recovered against him in the action and of all costs. Receiver

1813. A violation of the provisions of this chapter is a misdemeanor. Penalty

### CHAPTER 3. RABIES

#### Article 1. Rabies Control

1900. "Rabies," as used in this article, includes rabies, and any other animal disease dangerous to human beings that may be declared by the State department as coming under the provisions of this article. "Rabies"

1901. "Quarantine," as used in this article, means the strict confinement, upon the private premises of the owner, under restraint by leash, closed cage, or paddock, of all animals specified in the order of the State department. "Quarantine"

1902. Whenever any case of rabies is reported as existing in any county or city, the State department shall make, or cause to be made, a preliminary investigation as to whether the disease exists, and as to the probable area of the State in which the population or animals are endangered. Preliminary investigation

1903. If upon the investigation the State department finds that rabies exists, a quarantine shall be declared against all Quarantine

such animals as are designated in the quarantine order, and living within the area specified in the order.

Thorough  
investigation

1904. Following the order of quarantine the State department shall make or cause to be made a thorough investigation as to the extent of the disease, the probable number of persons and animals exposed, and the area found to be involved.

Regulations

1905. The State department may substitute for the quarantine order such regulations as may be deemed adequate for the control of the disease in each area.

Enforcement

1906. All peace officers and boards of health shall carry out the provisions of this article.

Destruction  
of animals

1907. During the period for which any quarantine order is in force any officer may kill or in his discretion capture and hold for further action by the State department any animal in a quarantine area, found on public highways, lands, and streets, or not held in restraint on private premises as specified in this article.

Inspection

1908. Any proper official within the meaning of this article may examine and enter upon all private premises for the enforcement of this article.

Penalty

1909. Every person who possesses or holds any animal in violation of the provisions of this article is guilty of a misdemeanor.

Fund

1910. For the purpose of providing funds to pay expenses incurred in connection with the eradication of rabies, the rabies treatment and eradication fund is continued in existence in each county or city in this State.

Dog license  
tax

1911. All money collected for dog license taxes shall be deposited to the credit of this fund with the treasurer of the county or city; but funds now collected from any dog tax may continue to be collected and used for other purposes specified by local ordinances.

Special  
dog tax

1912. Upon the determination by the State department that rabies exists in any county or city, a special dog license tax shall immediately become effective, unless a dog tax is already in force the funds from which are available for the payment of expenditures in accordance with the provisions of this article.

Rate of tax

1913. This tax shall be levied as follows: An annual tax of one dollar and fifty cents (\$1.50) for each male, two dollars and fifty cents (\$2.50) for each female, and one dollar and fifty cents (\$1.50) for each neuter dog. It shall be collected



by the proper authority at the same time and in the same manner as other taxes are collected; except that at the first collection such proportion of the annual tax as corresponds to the number of months the tax has been in operation plus one year advance payment shall be collected.

1914. After this dog license tax has been established in a county or city, it shall be continued in force until an order has been issued by the State department declaring that county, or such portion of that county as may be deemed advisable, to be free from rabies or further danger of its spread. Termination  
of tax

1915. One half of all fines collected by any court or judge for violations of the provisions of this article shall be placed to the credit of the rabies treatment and eradication fund of the county or city in which the violation occurred. Disposition  
of fines

1916. Whenever it becomes necessary in the judgment of the State department, to enforce the provisions of this article in any county or city, the department may institute special measures of control to supplement the efforts of the local authorities in any county or city whose duties are specified in this article. Special  
control  
measures

1917. All expenditures incurred in enforcing the special measures shall be proper charges against the special fund referred to in this article, and shall be paid as they accrue by the proper authorities of each county or city in which they have been incurred; but all expenditures that may be incurred after the issuance of the order establishing the tax and before the first collection of the tax, shall be paid as they accrue from the general fund of the county or city. Expenditure  
of fund

1918. All expenditures in excess of the balance of money in this fund shall likewise be paid as they accrue from the general fund. All money thus expended from the general fund shall be repaid from the special fund when the collections from the tax have provided the money. Additional  
expenditures

## Article 2. Anti-rabic Virus

2000. The State department shall purchase or prepare, and distribute free of cost, under such regulations as may be necessary, anti-rabic virus to be used in the treatment of persons exposed to rabies when they declare that it would be a hardship for them to pay for anti-rabic treatment. Authoriza-  
tion to  
distribute

## CHAPTER 4. AVIARIES

2100. "Aviary," as used in this chapter, means a place where shell parrakeets are stored or offered for sale, trade, or barter. "Aviary"

**Certificate of registration**     **2101.** No person shall maintain or conduct in this State an aviary without first obtaining a certificate of registration in writing from the State Department of Public Health.

**Inspection**     **2102.** All aviaries shall be open to inspection, at all times, by inspectors of the State department.

**Sale of shell parrakeets**     **2103.** No shell parrakeets shall be sold, offered for sale, traded, or bartered, from an aviary unless the person conducting the aviary or other place of business has first obtained a certificate of registration.

**Fees**     **2104.** An annual fee of five dollars (\$5) shall be required for the certificate of registration. All fees collected under the provisions of this chapter shall be paid into the State Treasury to the credit of the Aviary Inspection Fund, which fund is continued in existence. All money in the Aviary Inspection Fund shall be paid out in accordance with law to pay the salaries of inspectors employed by the State department to enforce the provisions of this chapter and also to pay all other necessary expenses incurred in the enforcement of this chapter.  
(Added by Stats. 1939, Ch. 104, as part of codification.)

**Limit on quarantine**     **2105.** No quarantine of any birds shall be effective as to any birds held in captivity in any bird store or other place of business for more than 20 days unless within that time the State department examines the birds in the aviary and determines that one or more of the birds is afflicted with a disease dangerous to the health of human beings.

**Penalty**     **2106.** Every person who violates any of the provisions of this chapter is guilty of a misdemeanor.

## CHAPTER 5. MOSQUITO ABATEMENT DISTRICTS

### Article 1. General Provisions

**"District"**     **2200.** "District," as used in this chapter, refers to any mosquito abatement district formed pursuant to this chapter or pursuant to any law which it supersedes.

**"Board"**     **2201.** "Board," or "district board," as used in this chapter, refers to the board of trustees of a district.

**"City"**     **2202.** "City," as used in this chapter, includes a city and county.

**"Unit"**     **2203.** For the purposes of this chapter all unincorporated territory in a proposed district and in one county only shall be regarded as an entirety and as a "unit," and each city in a proposed district shall likewise be regarded as a unit.

2204. Every notice required by this chapter to be published shall be published in a daily, weekly, or semiweekly newspaper; but, if there is no daily, weekly, or semiweekly newspaper published within the district or within a subdivision of the district or other territory in which it is required to be published, the notice shall be posted for the length of time required for its publication in three public places of the district, subdivision, or other territory, as the case may be.

Publication  
of notices

2205. A mosquito abatement district may be organized and managed as provided in this chapter, and may exercise the powers expressly granted or necessarily implied by this chapter.

Application  
of chapter

## Article 2. Formation

2210. Any territory in one or more counties, having a population of not less than 100 inhabitants, may be organized as a mosquito abatement district.

Territory

2211. A petition to form a district may consist of any number of separate instruments. It shall be presented at a regular meeting of the board of supervisors of the county in which the greater portion of the proposed district is located. It shall be signed by registered voters in each unit of the proposed district, equal in number to at least 10 per cent of the number of votes cast in each unit respectively for the office of Governor at the last gubernatorial election prior to the time the petition is presented.

Petition

Before a city can be included in the proposed district, its governing body shall request the inclusion of the city by resolution, duly authenticated.

Consent  
of city

2212. The petition shall set forth and describe the boundaries of the proposed district, and shall request that it be organized as a mosquito abatement district. The text of the petition shall be published, for at least two weeks before the time it is to be presented, in the county where the petition is presented, and in each city a portion of which is included in the proposed district.

Publication

The text of the petition published shall have attached a notice stating the time of the meeting of the board of supervisors at which it will be presented.

2213. If any portion of the proposed district lies in another county, the petition and notice shall be likewise published in that county.

Where  
published

2214. When contained upon more than one instrument, only one copy of the petition need be published. No more than five of the names attached to the petition need appear in the publication of the petition and notice, but the number of signers shall be stated.

Contents of  
publication



- Notice of hearing 2215. With the publication of the petition there shall be published a notice of the time of the meeting of the board of supervisors when the petition will be considered, stating that all persons interested may appear and be heard.
- Hearing 2216. At that time the board of supervisors shall consider the petition and hear those appearing and all protests and objections to it. It may adjourn the hearing from time to time, not exceeding two months in all.
- Defects 2217. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings, if the petition has a sufficient number of qualified signatures.
- Changes in boundary 2218. On the final hearing the board of supervisors shall make such changes in the proposed boundaries as are advisable, and shall define and establish the boundaries.
- Additional notice on change of boundary 2219. If the board of supervisors deems it proper to include any territory not proposed for inclusion within the proposed boundaries, it shall first cause notice of its intention to do so to be mailed to each owner of land in the territory whose name appears as owner on the last completed assessment roll of the county in which the territory lies, addressed to the owner at his address given on the assessment roll, or if no address is given, to his last known address; or if it is not known, at the county seat of the county in which his land lies. The notice shall describe the territory, and shall fix a time, not less than two weeks from the date of mailing, when all persons interested may appear before the board of supervisors and be heard.
- Consent of city 2220. The boundaries of a district lying in a city shall not be altered unless the governing board of the city, by resolution, consents to the alteration.
- Finding 2221. Upon the hearing of the petition the board of supervisors shall determine whether or not the public necessity or welfare of the proposed territory and of its inhabitants requires the formation of the district, and shall also determine whether or not the petition complies with the provisions of this chapter, and for that purpose shall hear all competent and relevant testimony offered.
- Finality of finding 2222. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice is final and conclusive against all persons except the State in a suit commenced by the Attorney General.
- Order of formation 2223. If, from the testimony given before the board of supervisors, it appears to that board that the public necessity

or welfare requires the formation of the district, it shall, by an order entered on its minutes, declare that to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined be organized as a district, under an appropriate name to be selected by the board of supervisors. The name shall contain the words "mosquito abatement district."

2224. The county clerk shall immediately file for record in the office of the county recorder of each county in which any portion of the land embraced in the district is situated, and shall also forward to each board of supervisors of each of the other counties, if any, in which any portion of the district is situated, and also shall file with the Secretary of State, a certified copy of the order of the board of supervisors. From and after the date of the filing of the certified copy with the Secretary of State, the district named therein is organized as a district, with all the rights, privileges, and powers set forth in this chapter, or necessarily incident thereto.

Filing of  
order

### Article 3. Officers

2240. Within 30 days after the filing with the Secretary of State of the certified copy of the order of formation, a governing board of trustees for the district shall be appointed. The district board shall be appointed as follows:

Board of  
trustees

(a) If the district is situated in one county only and consists wholly of unincorporated territory, five members shall be appointed by the board of supervisors of the county.

(b) If the district is situated entirely in one county and includes both incorporated and unincorporated territory one member shall be appointed from the district at large by the board of supervisors of the county, and one member from each city, the whole or part of which is situated in the district, by the governing body of the city; but if the district board created consists of less than five members, the board of supervisors shall appoint from the district at large enough additional members to make a board of five members.

(c) If the district is situated in two or more counties and is comprised wholly of unincorporated territory, one member shall be appointed from each county or portion of a county situated in the district by the board of supervisors; but if the district board created consists of less than five members, the board of supervisors of the county in which the greater portion of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

(d) If the district is situated in two or more counties and consists of both incorporated and unincorporated territory, one member shall be appointed by the board of supervisors of each of the counties from that portion of the district lying within its jurisdiction; and one member from each city, a

portion of which is situated in the district by the governing body of the city; but if the board created consists of less than five members, the board of supervisors in which the greater portion of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

**Name of board** 2241. The district board shall be called "The board of trustees of ----- Mosquito Abatement District."

**Qualifications of member: From city** 2242. Each member of the board appointed by the governing body of a city shall be an elector of the city from which he is appointed, and a resident of that portion of the city which is in the district.

**From county** 2243. Each member appointed from a county or portion of a county shall be an elector of the county and a resident of that portion of the county which is in the district.

**At large** 2244. Each member appointed at large shall be an elector of the district.

**Terms of office** 2245. The members of the first board in any district shall classify themselves by lot at their first meeting so that:

(a) If the total membership is an even number, the terms of one-half the members will expire at the end of one year, and the terms of the remainder at the end of two years, from the second day of the calendar year next succeeding their appointment.

(b) If the total membership is an odd number, the terms of a bare majority of the members will expire at the end of one year, and the terms of the remainder at the end of two years, from the second day of the calendar year next succeeding their appointment.

The term of each subsequent member is two years from and after the expiration of the term of his predecessor.

**Vacancy** 2246. In event of the resignation, death, or disability of any member, his successor shall be appointed by the governing body which appointed him.

**First meeting** 2247. The members of the first district board shall meet on the first Monday subsequent to 30 days after the filing with the Secretary of State of the certificate of incorporation of the district. They shall organize by the election of one of their members as president and one as secretary.

**Compensation** 2248. The members of the district board shall serve without compensation; but the necessary expenses of each member for actual traveling in connection with meetings or business of the board shall be allowed and paid. In lieu of expenses, the district board may by resolution provide for the allowance



and payment to each member of the board of a sum not exceeding five dollars (\$5) per month for expenses incurred in attending business meetings of the board.

(Amended by Stats. 1941, Ch. 314.)

2249. The secretary shall receive such compensation as Secretary shall be fixed by the district board.

2250. The district board shall provide for the time and Meetings place of holding its regular meetings, and the manner of calling them, and shall establish rules for its proceedings.

2251. Special meetings may be called by three members, Special meetings notice of which shall be given to each member at least three hours before the meeting.

2252. All of its sessions, whether regular or special, shall Open to public be open to the public.

2253. A majority of the members shall constitute a quorum Quorum for the transaction of business.

#### Article 4. District Powers

2270. The district board may:

Powers

(a) Take all necessary or proper steps for the extermination of mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(b) Subject to the paramount control of the county or city in which they exist, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(c) Purchase such supplies and materials, employ such personnel and contract for such services as may be necessary or proper in furtherance of the objects of this chapter.

(d) If necessary or proper, in the furtherance of the objects of this chapter, build, construct, repair, and maintain, necessary dikes, levees, cuts, canals, or ditches upon any land, and acquire by purchase, condemnation, or by other lawful means, in the name of the district, any lands, rights of way, easements, property, or material necessary for any of those purposes.

(e) Make contracts to indemnify or compensate any owner Contracts of land or other property for any injury or damage necessarily caused by the use or taking of property for dikes, levees, cuts, canals, or ditches.

(f) Enter upon without hindrance any lands, within or without the district, for the purpose of inspection to ascertain whether breeding places of mosquitoes, flies, or other

insects exist upon such lands; or to abate public nuisances in accordance with this article; or to ascertain if notices to abate the breeding of mosquitoes, flies, or other insects upon such lands have been complied with; or to treat with oil or other larvicidal material any breeding places of mosquitoes, flies or other insects upon such lands.

(g) Sell or lease any land, rights of way, easements, property or material acquired by the district.

Every sale of real property pursuant to this subdivision shall be made to the highest bidder at public auction after five days' notice given pursuant to Section 2204 of this code, and at such place within the district as the district board shall specify.

(h) Do any and all things necessary or incident to the powers granted by, and to carry out the objects specified in, this chapter.

(Amended by Stats. 1941, Ch. 314.)

Mosquito  
breeding  
place  
declared a  
nuisance

2271. Any breeding place for mosquitoes which exists by reason of any use made of the land on which it is found or of any artificial change in its natural condition, is a public nuisance.

Abatement  
of nuisance

2272. The nuisance may be abated in any action or proceeding, or by any remedy, provided by law.

Additional  
remedies

2273. Any remedy provided in this chapter for the abatement of a nuisance is in addition to any other remedy provided by law.

Notice to  
abate

2274. Whenever a nuisance specified in this chapter exists upon any property either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district, the district board may in writing notify the record owner, or person in charge or in possession of the property, of the existence of the nuisance.

(Amended by Stats. 1941, Ch. 314.)

Contents of  
notice

2275. The notice shall direct that the owner shall, within a specified time, abate the nuisance by destroying the larvae or pupae that are present.

Time limit

2276. The notice shall further direct that the owner shall, within a specified time, perform any work that may be necessary to prevent the recurrence of breeding in the places specified in the notice.

Service of  
notice

2277. The notice shall be served upon the owner of record, or person having charge or possession, of the property upon which the nuisance exists, or upon the agent of either.

2278. The notice may be served by any person authorized by the district board in the same manner as a summons in a civil action. Manner of service

2279. If the property belongs to a person who is not a resident of the district, and is not in charge or possession of any person, and there is no tenant or agent of the owner upon whom service can be made, who can after diligent search be found; or if the owner of the property can not after diligent search be found, the notice may be served by posting a copy in a conspicuous place upon the property for a period of 10 days, and by mailing a copy to the owner addressed to his address as given on the last completed assessment roll of the county in which the property is situated, or, in the absence of an address on the roll, to his last known address. Service by posting or mailing

2280. Before complying with the requirements of the notice the owner may appear at a hearing before the board at a time and place fixed by the board and stated in the notice. Hearing

2281. At the hearing the district board shall redetermine whether or not the owner shall abate the nuisance and prevent its recurrence, and shall specify a time within which the work shall be completed. Finding

2282. In the event that the nuisance is not abated within the time specified in the notice or at the hearing, the district board shall abate the nuisance by destroying the larvae or pupae and by taking appropriate measures to prevent the recurrence of further breeding. Abatement by district

2283. The cost of abatement shall be repaid to the district by the owner. Cost

2284. All sums expended by the district in abating a nuisance or preventing its recurrence are a lien upon the property on which the nuisance is abated, or its recurrence prevented. Lien

2285. Notice of the lien shall be filed and recorded by the district board in the office of the county recorder of the county in which the property is situated within six months after the first item of expenditure by the board. Notice of lien

2286. An action to foreclose the lien shall be commenced within six months after the filing and recording of the notice of lien. Action to foreclose

2287. The action shall be brought by the district board in the name of the district. Brought by district



**Sale** 2288. When the property is sold, enough of the proceeds to satisfy the lien and the costs of foreclosure shall be paid to the district; and the surplus, if any, shall be paid to the owner of the property if known, and if not known, shall be paid into the court in which the lien was foreclosed for the use of the owner when ascertained.

**Abatement on public property** 2289. The lien provisions of this chapter do not apply to the property of any county, city, district, or other public corporation. However, the governing body of the county, city, district, or other public corporation shall repay to any mosquito abatement district the amount expended by the district upon any of its property under this chapter upon presentation by the district board of a verified claim or bill.

**Tax to destroy rats** 2290. Any mosquito abatement district organized on or after August 14, 1931, and any such district organized prior to that date that elects to do so by a vote taken at an election called and conducted as provided for an election for a tax to raise additional funds for the district, may provide for the destruction and extermination of rats in the district; and may include suitable sums for that purpose in its expense estimates, which shall be raised in the manner provided by law for the raising of other sums for the district.

**Destruction of rats** 2291. The district board shall supervise and manage the destruction and extermination of rats in the district by the officers, agents, and employees of the district.

**Penalty** 2292. Any person who obstructs, hinders, or interferes with the entry upon any land mentioned in this article of any officer or employee of the district in the performance of his duty, and any person who obstructs, interferes with, molests, or damages any work performed by the district, is guilty of a misdemeanor.

(Added by Stats. 1941, Ch. 314.)

## Article 5. Finances and Taxation

**Estimate of money needed** 2300. The district board of each mosquito abatement district shall, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary for the district's purposes during the next ensuing fiscal year.

**Proration of estimate** 2301. If the district is in more than one county the total estimate shall be prorated for each county by the district board in proportion to the value of the taxable property of the district in each county. The value of the taxable property shall be determined from the last equalized assessment

rolls of the counties. When the proration of the estimate has been made, the district board shall furnish the supervisors and auditors of each county a written statement of the apportionment for that county.

2302. The board of supervisors of each county in which any part of a district is situated shall, at the time of levying county taxes, levy a tax to be known as the "----- Mosquito Abatement District tax," sufficient to raise the amount reported to it by the district board, upon property of the district in the county. The board of supervisors shall determine the rate of the tax by deducting 15 per cent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the district board by the remainder of the total assessed value. The maximum rate of the tax shall not be greater than fifteen cents (\$0.15) on each one hundred dollars (\$100) of taxable property of the district in the county. Levy of tax

2303. Whenever it appears to the district board that the amount of funds required during an ensuing fiscal year will exceed the amount that can be raised by a levy by the board of supervisors of the maximum rate for the annual district tax, the district board may call an election to submit to the electors of the district the question of whether a tax shall be voted for raising the additional funds. Election for additional tax

2304. Notice of the election shall be published for at least four weeks prior to the election. Notice

2305. No particular form of ballot shall be required, nor shall any informalities in conducting the election invalidate it if it is otherwise fairly conducted. Conduct of election

2306. At the election the ballots shall contain the words "Shall the district vote a tax to raise the additional sum of -----?", or words equivalent thereto. Ballot

2307. The district board shall canvass the votes cast at the election, and if a majority are in favor of the imposition of the tax, shall report the result to the board of supervisors of the county in which the district is situated, stating the additional amount of money required to be raised. If the district is in more than one county the additional amount shall be prorated for each county by the district board in the same way that the district's original total estimate of funds is prorated; and the district board shall furnish the supervisors and auditor of each county a written statement of the apportionment for that county. Canvass  
Proration of tax

Levy of additional tax

2308. The board of supervisors of each county receiving the written statement shall, at the time of levying county taxes, levy an additional tax upon all the taxable property of the district in the county sufficient to raise the amount apportioned to that county.

Collection

2309. All taxes levied under this chapter shall be computed and entered on the county assessment roll by the county auditor and collected at the same time and in the same manner as other county taxes. When collected, the taxes shall be paid into the county treasury for the use of the district.

Funds

2310. If the district is in more than one county the treasury of the county in which the district is organized is the depository of all funds of the district.

Accounting

2311. The treasurers of the other counties shall, at any time, not oftener than twice each year, upon the order of the district board settle with the district board and pay over to the treasurer of the county where the district is organized all money in their possession belonging to the district. The last named treasurer shall receipt for the money and place it to the credit of the district.

Withdrawal of funds

2312. The funds shall only be withdrawn from the county treasury depository upon the warrant of the district board signed by its president or acting president, and countersigned by its secretary. However, if the county in which the district is situated has adopted a requisition system covering the withdrawal of funds for the purchase of services or supplies, the district board may, by resolution, adopt such system and make withdrawals in accordance therewith.

(Amended by Stats. 1941, Ch. 314.)

## Article 6. Annexation

Territory

2330. Any territory lying adjacent and contiguous to a mosquito abatement district may be annexed to the district.

Consent of city

2331. If the territory is in a city, consent to the annexation shall first be obtained from the governing body of the city. An authenticated copy of the resolution or order of that body consenting to the annexation, shall be attached to the annexation petition.

Petition

2332. The district board, upon receiving a written petition for annexation containing a description of the territory sought to be annexed, signed by registered voters in the territory equal in number to at least 10 per cent of the number of votes cast in the territory for the office of Governor at the last gubernatorial election prior to the time the petition is



presented, shall set the petition for hearing. It shall give notice of the hearing by publishing a copy of the petition, together with notice of the time and place set for the hearing, in each county in which any part of the district or of the territory is situated, and in each city situated wholly or in part in the territory. Publication

2333. Not more than five of the names attached to the petition need appear in the publication, but the number of signers shall be stated. Names published

2334. At the time set for the hearing the district board shall hear persons appearing in behalf of the petition and all protests and objections to it. The district board may adjourn the hearing from time to time, not exceeding two months in all. Hearing

2335. On the final hearing the district board shall make such changes as it believes advisable in the boundaries of the territory, and shall define and establish the boundaries. It shall also determine whether or not the petition meets the requirements of this chapter. Change in boundaries  
Findings

2336. The failure of any person interested in the annexation of territory to the district to object to the annexation is an assent on his part to any change in the boundaries in the district that may be requested in the petition or to any change made by the district board. Failure to object

2337. The filing of the petition with the district board is an assent on the part of each of the petitioners to any change in the boundaries of the district that will include the whole or any portion of the territory described in the petition. Consent by filing

2338. If upon the hearing the district board finds that the petition and the proceedings thereon meet the requirements of this chapter and that it is desirable and to the interests of the district and of the territory proposed to be annexed that the territory, with boundaries as fixed and determined by the district board, or any portion of it, should be annexed to the district, the board shall order the boundaries of the district changed to include the territory, or portion of the territory. Finding

2339. The order of annexation shall describe the boundaries of the annexed territory and that portion of the boundary of the district which coincides with any boundary of the territory. If necessary in making the order, the board may have any portion of the boundaries surveyed. Order of annexation

2340. If more than one petition for the annexation of territory have been presented, the district board may in one order include in the district any number of separate territories. Several petitions

Order filed with Secretary of State 2341. The order of annexation shall be entered in the minutes of the board and certified copies shall be filed with the Secretary of State and with the county clerk and county recorder of each county in which the district or any part of it is situated.

Effective date 2342. From and after the date of the filing and recording of the certified copies of the order, the territory described in the order is a part of the district, with all the rights, privileges, and powers set forth in this chapter and those necessarily incident thereto.

Effect on membership of board 2343. After the annexation of territory to a district the district board shall consist of the number and shall be appointed in the manner prescribed by this chapter for a district formed originally with boundaries embracing the annexed territory. However, the members of the district board in office at the time of the annexation shall continue to serve as members during the remainder of the terms for which they were appointed.

## Article 7. Consolidation

Consolidation 2360. Two or more contiguous mosquito abatement districts may be consolidated.

Resolution proposing consolidation 2361. Whenever in the judgment of the district board it is for the best interests of the district that it be consolidated with one or more other similar districts, it may, by a two-thirds vote of its members, adopt a resolution reciting that fact and declaring the advisability of the consolidation and the willingness of the board to consolidate. It shall then send a copy of the resolution to the board of each of the other districts with which consolidation is proposed.

Consideration by other districts 2362. The district board of each of the other districts shall consider the proposal and give notice of its decision to the proposing board.

Resolution of acceptance 2363. If each of the other boards, by two-thirds vote of its membership, adopts a resolution in favor of consolidation and declaring its willingness to consolidate, the board of each district proposed to be consolidated shall forthwith call a special election in its district at which shall be submitted to the electors of the district the question whether or not the consolidation shall be effected.

Election 2364. The election shall be called and conducted, and the returns canvassed and declared so far as practicable in accordance with the requirements of this chapter for an election at which is submitted to the voters of the district the question of whether or not the district shall vote a tax to raise an additional sum of money in any year.

2365. The ballot shall contain the words "Consolidated—Ballot Yes" and "Consolidated—No," or words equivalent thereto.

2366. The district board of each district shall declare the Canvass returns of the election in the district, and shall certify the results to the board of supervisors of the county in which all the districts, or the greater portion of the land in the districts, is situated.

2367. If a majority of the votes in each district are in Consolidation by election favor of consolidation, the board of supervisors shall:

(a) Enter an order to that effect in its minutes.

(b) Transmit a certified copy of the order to the board of supervisors of any other county in which any portion of the proposed consolidated district is situated.

(c) Record a copy in the office of the county recorder of each of the counties in which any portion of the proposed consolidated district is situated.

(d) File a copy in the office of the Secretary of State.

2368. After the transmission, recording, and filing of the Effective date order, the territory in the districts entering into the consolidation proposal forms a single consolidated district.

2369. After the consolidation the district board of the Board of consolidated district consolidated district shall consist of the number and shall be appointed in the manner prescribed by this chapter for a district originally formed with boundaries embracing the territory within the district.

2370. The members of the district boards of the several Members districts consolidated who are in office at the time of consolidation shall continue to serve as members of the board of the consolidated district during the remainder of the terms for which they were appointed.

2371. The original resolution proposing a consolidation Name shall specify a name for the consolidated district.

2372. A consolidated district has all the rights, powers, Powers duties, privileges, and obligations of a new district formed under the provisions of this chapter.

2373. If at the time of a consolidation there is outstanding Indebtedness paid as in case of dissolution any indebtedness of any former districts included in the consolidated district, the indebtedness shall be paid in the manner provided for the payment of indebtedness upon the dissolution of a district.

2374. A consolidated district shall not be liable for any Indebtedness not that of consolidated district indebtedness of any former districts included in it which was outstanding at the time of consolidation.



Property  
not liable

2375. No property in any of the former districts shall be taxed to pay any indebtedness of any other former district existing at the date of the consolidation.

### Article 8. Dissolution

Vote  
required

2390. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors in the district at an election called by the district board upon the question. The proposition shall be submitted as follows: "Shall the district be dissolved?", or words equivalent thereto.

Notice

2391. Notice of the election shall be published for at least four weeks prior to the election in the district.

Certificate of  
dissolution

2392. If two-thirds of the votes at the election are in favor of the dissolution, the district board shall certify that fact to the Secretary of State. Upon receipt of the certificate, the Secretary of State shall issue his certificate reciting that the district (naming it) has been dissolved, and shall transmit to and file a copy with the county clerk of each county in which any portion of the district is situated.

Effective  
date

2393. After the date of the certificate of the Secretary of State, the district is dissolved.

Property  
in unincorporated  
territory

2394. If the district at the time of dissolution was in unincorporated territory in one county, its property vests in the county.

Property  
in city

2395. If the district at the time of dissolution was situated wholly within the boundaries of a single city, its property vests in the city.

Property  
in unincorporated  
territory of  
two or more  
counties

2396. If the district comprised unincorporated territory alone situated in two or more counties, its property vests in the counties in proportion to the assessed value of the district's property in each county as shown upon the last equalized county assessment roll.

Unincorporated  
and  
incorporated  
territory

2397. If the district comprised both incorporated and unincorporated territory, its property vests in each city and each county in the territory in proportion to the assessed value of the district's property in the city or county as shown upon the last equalized county assessment rolls. However, any real property, easements, or rights of way vest in:

(a) The city in which they are situated, if situated in incorporated territory.

(b) The county in which they are situated, if situated in unincorporated territory.

Indebtedness

2398. If at the time of the election to dissolve a district there is outstanding any indebtedness of the district, the vote

to dissolve the district dissolves it for all purposes except the levy and collection of taxes for the payment of the indebtedness, and for the payment of expenses in assessing, levying, and collecting taxes.

Until the indebtedness is paid, the board of supervisors of the county in which the greater portion of the district was situated shall act ex officio as the district board and shall levy taxes and perform such functions as may be necessary in order to pay the indebtedness.

## CHAPTER 6. QUARANTINE OF DISEASES

### Article 1. Definitions

2500. "Health officer," as used in this chapter, includes county, town, city, and district health officers, and city and district health boards, but does not include advisory health boards. "Health officer"

### Article 2. Functions of State Department

2521. The State department may establish and maintain places of quarantine or isolation. Places of quarantine

2522. The State department may quarantine, isolate, inspect, and disinfect persons, animals, houses, rooms, other property, places, cities, or localities, whenever in its judgment such action is necessary to protect or preserve the public health. Persons and objects

2523. The State department may destroy bedding, carpets, household goods, furnishings, materials, clothing, or animals, which, in its judgment, are an imminent menace to the public health. Destruction of objects

2524. Upon being informed by a health officer of any contagious, infectious, or communicable disease the State department may take such measures as are necessary to ascertain the nature of the disease and prevent its spread. To that end, the State department may, if it considers it proper, take possession or control of the body of any living person, or the corpse of any deceased person. Additional measures

### Article 3. Functions of Health Officers

2554. Each health officer and coroner, knowing or having reason to believe that any case of cholera, plague, yellow fever, malaria, leprosy, diphtheria, scarlet fever, smallpox, typhus fever, typhoid fever, paratyphoid fever, anthrax, glanders, epidemic cerebro-spinal meningitis, tuberculosis, pneumonia, dysentery, erysipelas, uncinariasis or hookworm, trachoma, dengue, tetanus, measles, German measles, chickenpox, whooping cough, mumps, pellagra, beriberi, Rocky Mountain spotted Duty to prevent spread of certain diseases

(or tick) fever, syphilis, gonococcus infection, rabies, poliomyelitis, or any other contagious or infectious disease exists, or has recently existed, within the territory under his jurisdiction, shall take such measures as may be necessary to prevent the spread of the disease.

**Enforcement of laws and rules** 2555. Every health officer shall enforce all orders, rules, and regulations concerning quarantine prescribed or directed by the State department.

**Places of quarantine** 2556. Each health officer, whenever required by the State department, shall establish and maintain places of quarantine or isolation that shall be subject to the special directions of the State department.

**Quarantine against another city or county** 2557. No quarantine shall be established by a county or city against another county or city without the written consent of the State department.

**Instructions of State department** 2558. Whenever in the judgment of the State department it is necessary for the protection or preservation of the public health, each health officer shall, when directed by the State department, do the following:

(a) Quarantine and disinfect persons, animals, houses or rooms, in accordance with general and specific instructions of the State department.

(b) Destroy bedding, carpets, household goods, furnishings, materials, clothing, or animals, when ordinary means of disinfection are considered unsafe, and when the property is, in the judgment of the State department, an imminent menace to the public health.

**Compensation for destroyed property** When property is destroyed pursuant to this section, the governing body of the locality in which the destruction occurs may make adequate provision for compensation in proper cases for those injured thereby.

**Quarantine** 2559. Upon receiving information of the existence of: Asiatic cholera, yellow fever, typhus fever, plague, smallpox, scarlet fever, diphtheria, or any other contagious, infectious, or communicable disease that the State department may from time to time declare quarantinable, each health officer shall:

(a) Quarantine each case.

(b) Follow local rules and regulations, and all general and special rules, regulations, and orders of the State department, in carrying out the quarantine.

**Report of quarantine** 2560. Each health officer who establishes any quarantine shall promptly transmit to the State department a copy of all quarantine rules, orders, and regulations, and of all subsequent changes in them, adopted by him.

**Notice of quarantine** 2561. When all or any part of a building, house, structure, tent, or other place is quarantined because of a contagious,



infectious, or communicable disease, the health officer shall fasten firmly on its most conspicuous part a yellow placard, upon which shall be printed the following words:

“Keep out. These premises have been quarantined by order of the ----- Note—Under the provisions of the Health and Safety Code of the State of California anyone entering or leaving these premises without the permission of the health officer is guilty of a misdemeanor.”

The word “quarantined” shall be printed in plain and legible letters at least two and one-half inches in height.

The placard shall not be removed except by the health officer, nor shall it be defaced or obscured.

2562. When quarantine is established by a health officer, all persons shall obey his rules, orders, and regulations. Quarantine rules

2563. A person subject to quarantine, residing or in a quarantined building, house, structure, or tent, shall not go beyond the lot upon which the building, house, structure, or tent is situated, nor put himself in immediate communication with any person not subject to quarantine, other than the health officer and the physician. The health officer maintaining the quarantine shall appoint, or have appointed, a suitable person to perform necessary outside services for the necessary wants of the persons quarantined. The person appointed shall not enter the building, house, structure, or tent, nor shall he come in personal contact with any of the persons quarantined. He shall leave at the entrance of the building, house, structure, or tent, or at such other place as may be designated by the health officer, all articles that he may bring thereto. He shall strictly observe the orders of the health officer. Obedience to quarantine

2564. No instructor, teacher, pupil, or child affected with any contagious, infectious, or communicable disease that is quarantined, or that is subject to being quarantined or reported, or who resides in any house, building, structure, tent, or other place where the disease exists or has recently existed, shall be permitted by any superintendent, principal, or teacher of any college, seminary, or public or private school to attend the college, seminary, or school, except by the written permission of the health officer. Exclusion of diseased person from school

2565. No quarantine shall be raised until every exposed room, together with all personal property in the room, has been thoroughly disinfected, or, if necessary, destroyed, by or under the direction of the health officer; and until all persons quarantined have taken a thorough antiseptic bath and have put on clothing free from contagion. Disinfection

2566. No milk man shall remove milk bottles or other receptacles for milk from any building, house, structure, tent, Removal of milk bottles from quarantined area

or other place in which a contagious, infectious, or communicable disease exists or has existed, nor from any place within any quarantined district, nor at any time after a quarantine has been removed, without the written permission of the health officer; and until the milk bottles or other receptacles have been disinfected and cleaned to the satisfaction of that officer.

Person from  
quarantined  
place not to  
deal in milk

2567. It is unlawful for any milkman, milk dealer, or milk distributor in whose house any case of cholera, typhus fever, plague, scarlet fever, diphtheria, membranous croup, leprosy, anthrax, glanders, cerebro-spinal meningitis, whooping cough, typhoid fever, dysentery, trachoma, or tetanus exists, to continue the sale or distribution of milk until the health officer has appointed, at the expense of the county where the milkman, dealer, or distributor lives, a person to superintend his dairy, or other place where or from which he sells, delivers, or distributes milk, and all his cows, bottles, vessels, and milk utensils. The person appointed shall strictly require that any person attending to the cows, dairy, sheds, milk cans, bottles, vessels, and milk utensils, shall not have access to, nor have any communication with the persons who reside in, the infected house, except with the permission and under the inspection of the health officer.

Reports

2568. In case of a local epidemic of disease, the health officer shall report at such times as are requested by the State department all facts concerning the disease, and the measures taken to abate and prevent its spread.

Telegraphic  
reports

2569. Each health officer shall immediately report by telegraph to the State department every discovered or known case of plague, Asiatic cholera, yellow fever, or typhus fever. Within 24 hours after investigation he shall report the cause, source, and extent of contagion and infection, and all acts done and measures adopted. He shall also make such further reports as the State department may require.

Report of  
new cases

2570. Each health officer placing any case under quarantine shall, within 24 hours thereafter, report it fully, in writing, to the State department.

Reportable  
diseases

2571. The following shall be properly reported in writing to the State department by the health officer:

Chicken pox, erysipelas, pneumonia, epilepsy, uncinariasis, or hookworm, epidemic cerebro-spinal meningitis, trachoma, whooping cough, mumps, dengue, dysentery, tuberculosis, typhoid fever, tetanus, malaria, leprosy, measles, German measles, glanders and anthrax affecting human beings, rabies, pellagra, beriberi, syphilis, gonococcus infection, poliomyelitis, and any other disease which appears to have become epidemic.

This list of reportable diseases may be changed at any time by the State department,

The diseases enumerated in this section, and such others as from time to time may be added by the State department, shall be quarantined whenever in the opinion of the State department that action is necessary for the protection of the public health, and shall be isolated whenever in the opinion of the department or health officer, isolation is necessary for the protection of the public health.

When to be  
quarantined

(Amended by Stats. 1939, Ch. 375.)

2572. Each health officer, other than a county health officer, in the county shall transmit to the county health officer at least weekly in writing a report showing the number and character of infectious, contagious, or communicable diseases reported, and their location.

Written  
report

2573. All physicians, nurses, clergymen, attendants, owners, proprietors, managers, employees, and persons living, or visiting any sick person, in any hotel, lodging house, house, building, office, structure, or other place where any person is ill of any infectious, contagious, or communicable disease, shall promptly report that fact to the health officer, together with the name of the person, if known, the place where he is confined, and the nature of the disease, if known.

Report to  
health officer

2574. Unless otherwise directed by the State department, Sections 2559, 2561 to 2563, inclusive, 2565 to 2567, inclusive, and 2569 to 2571, inclusive, of this chapter shall be strictly observed in all cases of quarantine.

Application  
of sections to  
quarantine

#### Article 4. Violations

2600. Any person who, after notice, violates, or who, upon the demand of any health officer, refuses or neglects to conform to, any rule, order, or regulation prescribed by the State department respecting a quarantine or disinfection of persons, animals, things, or places, is guilty of a misdemeanor.

Penalty for  
violation  
of rule

2601. Except in the case of the removal of an afflicted person in a manner the least dangerous to the public health, any person afflicted with any contagious, infectious, or communicable disease who wilfully exposes himself; and any person who wilfully exposes another person afflicted with such disease in any public place or thoroughfare is guilty of a misdemeanor.

Wilful  
exposure

2602. Any person who violates any section in Article 3 of this chapter, with the exception of 2555, is guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment for a term of not more than 90 days, or by both. He is guilty of a separate offense for each day that the violation continues.

Penalty



## CHAPTER 8. PEST ABATEMENT DISTRICTS

## Article 1. Definitions and General Provisions

- "Pest"** 2800. "Pest," as used in this chapter includes any plant, animal, insect, fish, or other matter or material, not under human control, which is offensive to the senses or interferes with the comfortable enjoyment of life, and is not protected under any other provision of law, and includes any plant that is detrimental to the agricultural industry of the State, both on cultivated lands and on grazing areas.
- Supplementary to other laws** 2801. This chapter is supplemental to any other provision of law relating to the abatement of pests or nuisances.
- "District"** 2802. "District," as used in this chapter, means any pest abatement district formed pursuant to this chapter or pursuant to any law which it supersedes.
- Penalty** 2803. Any person who restrains, hinders, or threatens any officer or employee of a district in the performance of his duties as such officer or employee is guilty of a misdemeanor. (Added by Stats. 1941, Ch. 361.)

## Article 2. Formation

- Petition** 2822. The organization of a pest abatement district may be initiated by a petition, describing the exterior boundaries of the proposed district, and the nature of the pest or pests to be controlled or abated.
- Tax basis** 2822.5. The petition shall state the basis on which the property in the district shall be taxed for district purposes which shall be either on the basis of area or on the basis of assessed valuation. (Added by Stats. 1941, Ch. 334.)
- Rate of assessment** 2823. The petition may fix the maximum rate of assessments that may be levied by the district.
- Requirements of petition** 2824. The petition shall be signed by registered voters residing in the proposed district equal in number to 10 per cent of the votes cast in the proposed district for Governor at the last preceding gubernatorial election. The petition may consist of any number of separate instruments, which shall be duplicates, except for the signatures and addresses of the signers. Each person who signs the petition shall also state his address.
- Signatures** 2825. The petition shall be presented to the clerk of the county in which the land in the proposed district is situated. The clerk shall compare the signatures on the petition with the signatures of the registered voters on his records for the

purpose of ascertaining whether the petition meets the signature requirements of this article.

2826. If the petition lacks sufficient signatures the county clerk shall certify that fact, and at any time within 60 days thereafter additional signatures may be presented to supplement the signatures on the original petition. The additional signatures shall be compared by the clerk in the same manner as the original signatures. If sufficient additional signatures are not presented, proceedings under the petition shall be terminated, without prejudice to the right to file a new petition. Supplementary petition

2827. If the petition contains the requisite number of signatures the clerk shall make a certificate to that effect, and shall present the petition and his certificate to the board of supervisors. Certificate of sufficiency

2828. If the board of supervisors finds that the petition has been properly presented, the board shall, by resolution, fix a time for hearing the petition, which shall be not less than two nor more than five weeks from the time of its presentation. It shall also publish a notice of the time and place of the hearing in a newspaper of general circulation, printed and published in the county, for not less than two weeks prior to the time of the hearing. Notice of hearing

2829. At the time of the hearing, or at any time to which it may be adjourned, the board of supervisors shall hear and consider all competent and relevant testimony or evidence offered in support of or in opposition to the formation of the district. Hearing

2830. The board of supervisors may make such changes in the proposed boundaries of the district as it may consider advisable. It may exclude any land in the proposed district upon the application of the owner, or it may include any land outside and contiguous to the proposed district upon the application of the owner, if it determines that the exclusion or inclusion is proper. Changes in boundaries

2831. If, upon the hearing, the board of supervisors determines that the public interest or welfare of the proposed territory and its inhabitants requires the formation of the district, it shall, by resolution, declare its findings and order that the territory within the boundaries determined by it is a district, under an appropriate name to be selected by it. Order

2832. The clerk of the board of supervisors shall immediately file a certified copy of the order in the office of the county recorder in which the district is situated and with the Secretary of State. The district is then formed as a pest Effect

abatement district, with all of the rights, privileges, and powers set forth in this chapter, and those necessarily incident thereto.

### Article 3. Administration

**Board** 2850. Within 30 days after incorporation the board of supervisors shall appoint a board of trustees, consisting of five members, to act as the governing body of the district.

**Term. Compensation** 2851. The members of the district board shall hold office at the pleasure of the board of supervisors. They shall serve without compensation, but shall be allowed their necessary traveling and other expenses incurred in the performance of their official duties.

**Purpose of district** 2852. The district board may take all necessary or proper steps for the extermination of the pest or pests mentioned in the petition for the organization of the district, subject to the control of city or other public authorities having jurisdiction in the matter.

**Powers** 2853. The district board may:

- (a) Purchase supplies and other personal property.
- (b) **Employ necessary labor.**
- (c) Acquire by purchase, condemnation, or otherwise, in the name of the district, any lands, right of ways, easements, or other real property necessary for the district.
- (d) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this chapter or of powers incident thereto.
- (e) Sue and be sued.
- (f) Enter upon any property in the district for the purpose of inspection and control work and for the same purposes may enter upon property adjacent to the district which is or is susceptible of being a breeding place from which infestation may spread into the district.
- (g) Do everything necessary to carry out the powers conferred by this chapter and carry out the objects of the formation of the district.

(Amended by Stats. 1941, Ch. 361.)

### Article 4. Taxation

**Estimate of funds needed** 2870. The district board shall annually before the tenth day of July file with the board of supervisors of the county in which the district is situated an estimate of the amount of money necessary for the purposes of the district during the ensuing fiscal year.

**Tax rate** 2871. The board of supervisors shall levy, annually, a tax sufficient to raise the amount required for the purposes of



the district. If the rate has been fixed by the organization petition, the rate fixed by the board shall not exceed that rate.

(Amended by Stats. 1939, Ch. 449, and by Stats. 1941, Ch. 334.)

2871.5. If the petition states that the property shall be taxed on the basis of area, the rate shall be uniform and based on area of land, regardless of assessed valuation. The county assessor of each county shall prepare an assessment roll showing the names and addresses and the acreage owned by each person owning land within a district, which roll shall be the basis for the tax provided for herein.

(Added by Stats. 1941, Ch. 334.)

2871.7. If the petition states that the property shall be taxed on the basis of assessed valuation, the board shall determine the rate of the tax by deducting 15 per cent from the total assessed value of the property in the district appearing upon the assessment roll and then dividing the amount required to be raised by the remainder of the assessed value.

(Added by Stats. 1941, Ch. 334.)

2872. All taxes levied under this chapter shall be assessed and collected at the same time and in the same manner as other taxes are collected for county purposes, and shall be paid into the county treasury to the credit of the district.

2873. The funds of the district shall be withdrawn from the treasury upon the warrant of the district board.

2874. The board of supervisors, from time to time, may order a temporary transfer of money from other available funds in the county treasury to the credit of the district fund. The transfer shall be made only upon resolution adopted by the board of supervisors directing the treasurer to make the transfer. It shall not exceed 85 per cent of the taxes accruing to the district, and shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year. Any funds transferred shall be replaced from the taxes accruing to the district before any other obligation of the district is met from those taxes.

2875. Upon application of registered voters in the district equal to the number required for a petition to initiate proceedings for the organization of the district and after notice published as prescribed for notice of hearing on a petition for organization and a hearing on the matter, the board may change the basis upon which the property in the district shall be taxed from one permitted basis to the other. Thereafter in ensuing tax periods the basis as changed shall be the basis of taxation for the district.

(Added by Stats. 1941, Ch. 334.)

## Article 5. Annexation

**Annexation** 2900. At any time after the incorporation of a district, land contiguous to it may be annexed upon a petition of the owner, if the board of supervisors finds that the annexation will benefit both the land to be annexed and the district.

2901. At any time after the incorporation of a district, upon application of such persons as could have initiated proceedings for the formation of a district composed of the land sought to be annexed, land contiguous to the district may be annexed by the board of supervisors upon like procedure, notice, and hearing as provided for formation of a district.

(Added by Stats. 1941, Ch. 333.)

## Article 6. Dissolution

**Petition** 2920. Upon the application of registered voters in the district equal to the number required for a petition to initiate proceedings for the formation of the district, the board of supervisors may, after notice of hearing published in the manner prescribed in this chapter for the notice of a hearing on the organization petition, dissolve the district, if it appears to the board that the dissolution is proper. The dissolution of a district shall not have any effect on any taxes previously levied.

**Ex officio board** 2921. Upon the dissolution the board of supervisors shall succeed to all the powers and jurisdiction of the district board for the purpose of winding up the affairs of the district. It may continue to levy such taxes as are necessary in winding up the affairs of the district.

**Obligations** 2922. No district shall be finally dissolved until all outstanding obligations of the district, including the repayment of funds transferred to the credit of the district from other funds of the county, have been fully paid and discharged.

## DIVISION 4. TUBERCULOSIS

## CHAPTER 1. PREVENTORIA

**Expenditures declared proper** 3099. Pulmonary tuberculosis is an infectious and communicable disease, dangerous to the public health, and all proper expenditures that may be made by any county, pursuant to this chapter, are necessary for the preservation of the public health of the county, within the meaning of Sections 450 to 456.

**Subsidy** 3100. Each city, county, or group of counties which maintains a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis and maintains a preventorium in conjunction therewith, shall receive from the State

the sum of three dollars (\$3) per week for each patient cared for in the preventorium at public expense who:

(a) Is susceptible to tuberculosis.

(b) Is unable to pay for his support.

(c) Has no relative legally liable and financially able to pay for his support.

(d) Has been for one year a bona fide resident of the city, county, or of one of the counties of the group of counties.

(e) Is a citizen of the United States.

No city, county, or group of counties shall be entitled to receive the State aid unless the tuberculosis preventorium conforms to the regulations of, and is approved by, the State department.

(Amended by Stats. 1939, Ch. 1070.)

3101. The medical superintendent of each preventorium receiving State aid under this chapter shall render semi-annually to the State department a report under oath showing for the period covered by the report: Reports

(a) The number of persons susceptible to tuberculosis cared for at public expense and unable to pay for care.

(b) The number of weeks each such patient has been treated.

## CHAPTER 2. HOSPITALS

3300. Each city, county, or group of counties may establish and maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis. Each city, county, or group of counties that establishes and maintains a tuberculosis ward or hospital shall receive from the State the sum of three dollars (\$3) per week for each person suffering from tuberculosis, cared for therein at public expense, who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support and who has been a bona fide resident of the State for one year; except that the city, county, or group of counties is not entitled to receive this State aid unless the tuberculosis ward or hospital conforms to the regulations of and is approved by the Bureau of Tuberculosis. Subsidy

The hospitals shall be allowed to receive pay patients. Pay patients

(Amended by Stats. 1939, Ch. 1070.)

3301. The medical superintendent of each hospital receiving State aid under this chapter shall render semiannually to the Bureau of Tuberculosis a report under oath showing, for the period covered by the report: Reports

(a) The number of patients suffering from tuberculosis cared for at public expense, and unable to pay for care.

(b) The number of weeks of treatment of each such patient.

With the consent of the respective cities, counties, or groups of counties, an exchange of patients may be arranged Exchange of patients



through the Bureau of Tuberculosis without expense to the county except for transportation when the exchange seems necessary or desirable to assist in the patients' recovery.

**Hospital central committee** 3302. Each group of counties desiring to establish and maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis shall appoint, by its board of supervisors, one supervisor as a delegate, who shall attend the general meetings of the delegates of each county in the group. The necessary expense incurred in attending such meetings is a county charge. The body thus formed shall be called the hospital central committee.

**Number of delegates** 3303. Each group of counties maintaining a tubercular hospital under this chapter may by unanimous agreement provide for a different number of delegates to the hospital central committee than the number provided for in this chapter and may provide for a method of deciding a tie vote of the hospital central committee.

**Depository** 3304. The hospital central committee shall designate a county within the group maintaining the hospital as the place where the business of the hospital is to be transacted and where funds of the hospital are to be kept and deposited. All county officers selected for the business of the hospital shall render all necessary assistance required by the committee in keeping with the duties of their respective offices.

**Cost** 3305. The delegates from each county may enter into an agreement with delegates from the other counties, on behalf of the county appointing them, binding the county to the joint enterprise and apportioning the cost of constructing, establishing, and maintaining the hospital. Money due from any county under the agreement may be collected by the hospital central committee or, on its behalf, by the board of supervisors of any county in the group, by action in the county in which the hospital is situated.

**Building committee** 3306. The hospital central committee may appoint a committee to supervise the construction of the hospital, approve the bills, and do the usual things required of a building committee.

**Powers of hospital central committee** The hospital central committee is the governing body of the hospital. It has the same powers and duties in regard to the hospital that a board of supervisors has over a county hospital. It shall adopt rules for its government, which shall include provisions for holding meetings and for the addition of other counties to the group. It may appoint such committees as are necessary, and shall prescribe their duties.

**Land** 3307. Any land required may be acquired or disposed of by the hospital central committee in such manner as may be

determined by a three-fourths vote of its members, if all counties comprising a group shall have had notice of the intention to acquire or dispose of the land. Title to land may be held in the name of the entire group or in the name of any county composing the group, as trustee for the use and benefit of all, as may be determined by the hospital central committee.

3308. Each county in the group shall pay its proportionate share to the hospital central committee of an amount designated by the committee to constitute a cash revolving fund to carry on the usual work and expense of the hospital. Each month a statement of the expenses of the hospital shall be sent to the board of supervisors of each county, together with a claim for its proportionate share of the expenses. The amounts when collected shall be paid into the cash revolving fund. Expenses

3309. The hospital central committee may determine and pass upon the right of admission to the hospital of applicants, subject to the limitations of this chapter. Admission of patients

### CHAPTER 3. CONVALESCENT COLONIES

(Chapter 3 added by Stats. 1939, Ch. 919.)

3325. Each city, city and county, county or group of counties which maintains a convalescent colony for the care and treatment of persons suffering from tuberculosis shall receive from the State the sum of three dollars (\$3) per week for each person suffering from tuberculosis, cared for in the convalescent colony at public expense, who is unable to pay for his own support and who has no relative legally liable and financially able to pay for his support, and who has been a bona fide resident of the State for one year. Subsidy

No city, city and county, county or group of counties shall be entitled to receive the State aid unless the convalescent colony conforms to the regulations of, and is approved by the Bureau of Tuberculosis in the Department of Public Health. (Added by Stats. 1939, Ch. 919.)

3326. The superintendent of each convalescent colony receiving State aid under this chapter, shall render semi-annually to the Bureau of Tuberculosis in the Department of Public Health a report under oath showing for the period covered by the report: Reports

(a) The number of persons suffering from tuberculosis cared for therein at public expense and unable to pay for their care.

(b) The number of weeks each such person has been cared for.

(Added by Stats. 1939, Ch. 919.)

(Chapter 3 added by Stats. 1939, Ch. 919.)

## CHAPTER 4. PAYMENT AND EXPENDITURES OF SUBSIDY FUNDS

(Chapter 4 added by Stats. 1939, Ch. 919.)

**Fund** 3340. In order to be eligible to receive State funds made available by this division on or after July 1, 1940, the governing body of each city, county, city and county, or group of counties entitled thereto shall establish a "special tuberculosis subsidy fund."

(Added by Stats. 1939, Ch. 919.)

**Use of fund** 3341. All amounts paid to any city, county, city and county or group of counties in accordance with the provisions of this division shall be deposited in the "special tuberculosis subsidy fund." Such moneys shall be expended by the city, county, city and county or group of counties receiving it exclusively for the care and treatment of persons suffering from tuberculosis, and in the maintenance, construction or acquisition of facilities or supplies necessary for the care and treatment of such persons.

(Added by Stats. 1939, Ch. 919.)

**Cause for denial of subsidy** 3342. The failure to comply with any of the provisions of this chapter shall constitute sufficient reason to deny further payments of State funds accruing to any city, county, city and county or group of counties under this division.

(Added by Stats. 1939, Ch. 919.)

(Chapter 4 added by Stats. 1939, Ch. 919.)

## DIVISION 5. SANITATION

### PART 1. SANITARY PROVISIONS

#### CHAPTER 1. COMMON DRINKING CUPS

**Common drinking cups** 3700. No person conducting, having charge of, or control of, any hotel, restaurant, saloon, soda fountain, store, theater, public hall, public or private school, church, hospital, club, office building, park, playground, lavatory or washroom, barber shop, railroad train, boat, or any other public place, building, room, or conveyance, shall provide or expose for common use, or permit to be so provided or exposed, or allow to be used in common, any cup, glass, or other receptacle used for drinking purposes.

**"Common use"** 3701. For the purposes of this chapter the term "common use" when applied to a drinking receptacle is defined as its use for drinking purposes by, or for, more than one person without its being thoroughly cleansed and sterilized in boiling water or steam between consecutive uses thereof; except, that the State Department of Public Health may prescribe other acceptable methods of sterilization that may be used in place of the methods specified in this chapter.

**Sterilization**



3702. No cask, water cooler, or other receptacle shall be used for storing or supplying drinking water to the public or to employees unless it is covered and protected so as to prevent persons from dipping the water therefrom or contaminating the water. All containers shall be provided with a faucet or other suitable device for drawing the water; except that jugs, cans, buckets, and similar receptacles without faucets or other devices for withdrawing water may be used if the water is protected against contamination and is withdrawn by pouring only.

Water  
containers

3703. The State department and all health officers of counties, cities, and health districts shall enforce the provisions of this chapter.

Enforcement

3704. Violation of any provision of this chapter is a misdemeanor punishable by a fine not exceeding twenty-five dollars (\$25) for each offense.

Penalties

## CHAPTER 2. INFECTED PACKING MATERIALS

3750. For the purpose of this chapter the term "filthy, contaminated, or unsanitary packing material" includes any or all of the following:

"Filthy,  
contami-  
nated or  
unsanitary  
packing  
material"

(a) Packing material that has been exposed to contagious or infectious disease.

(b) Material that is contaminated with vermin.

(c) Material that is generally filthy.

(d) Filthy or used wood excelsior.

(e) Excelsior made from filthy or used paper.

3751. Unsanitary packing material shall not be used until it has been cleaned and disinfected to the satisfaction of the State Department of Agriculture, State Department of Public Health, or the agents of either or both, or by a county health officer.

Disinfection

3752. The person having such material cleaned and disinfected shall pay the costs of the inspection.

Costs of  
inspection

3753. Every person who knowingly packs any goods intended for delivery to other parties or for transportation by common carriers with unsanitary packing material is guilty of a misdemeanor.

Penalty

## CHAPTER 3. COMMON TOWELS

3800. No person conducting, operating, or having charge or control of, any hotel, restaurant, factory, store, barber shop, office building, school, public hall, railroad train, railway station, boat, or any other public place, room, or conveyance, shall maintain or keep in or about any such place any towel for common use.

Towel for  
common use  
forbidden

**“Common use”** 3801. For the purpose of this chapter the term “common use” when applied to a towel means its use by, or for, more than one person without its being laundered by a process involving exposure to boiling water or steam between consecutive uses of such towel; except that the State Department of Public Health may prescribe other acceptable methods of sterilization that may be used in place of the methods specified in this chapter.

**Enforcement** 3802. The State department and all health officers of counties, cities, and health districts shall enforce the provisions of this chapter.

**Penalty** 3803. Violation of any provision of this chapter is a misdemeanor punishable by a fine not exceeding twenty-five dollars (\$25) for each offense.

## CHAPTER 4. WIPING RAGS

### Article 1. Use of Wiping Rags

**“Wiping rags”** 3900. “Wiping rags,” as used in this chapter means cloths and rags used for any or all of the following purposes:

(a) Wiping and cleaning the surfaces of machinery, machines, tools, locomotives, engines, motor cars, automobiles, cars, carriages, windows, furniture, and surfaces of articles, appliances, and engines in factories, shops, steamships, and steamboats.

(b) Generally for cleaning in industrial employment.

(c) Used by mechanics and workmen for wiping from their hands and bodies soil incident to their employment.

**Sterilization** 3901. No person shall supply or furnish to his employees for wiping rags, or sell or offer for sale for wiping rags, any soiled wearing apparel, underclothing, bedding, or parts of soiled or used underclothing, wearing apparel, bed clothes, bedding, or soiled rags or cloths unless they have been sterilized by a process of boiling for 40 minutes in a solution containing 5 per cent of caustic soda, and unless before such boiling, the sleeves, legs, and bodies of garments are ripped and made into flat pieces.

**Enforcement** 3902. Every peace officer, health officer, or health inspector, upon proper demand and notice of his authority, may, during business hours, enter any place where wiping rags are used, are kept for sale, or offered for sale, and inspect the wiping rags. No person shall refuse to permit the inspection, or impede or obstruct the officer during the inspection.

### Article 2. Regulation of Wiping Rag Business

**Permit** 3950. Each county or city may regulate the business of laundering, sterilizing, or selling wiping rags by enacting

ordinances prohibiting the laundering, sterilizing, and sale, and offering for sale, of wiping rags, or cloth material for wiping rags, without a permit issued by the board of supervisors of the county, or board of health or health officer of the city, and providing for the issuance of certificates of inspection of wiping rags offered for sale.

3951. The permit shall be granted as of course on a first application, and may be revoked by the board or officer authorized to issue it for a violation of this chapter or the applicable ordinance by the holder of the permit. Revocation

3952. The board, department, or officer authorized to issue permits to launder, sterilize, or sell wiping rags shall keep a record of revocation of permits and a register of: Register

(a) The names and places of business of persons to whom permits are issued.

(b) The date of issue and number of each permit.

3953. Before being sold or offered for sale, each package or parcel of wiping rags shall be plainly marked "sterilized wiping rags," and in addition it shall be plainly marked: Marking

(a) With the number and date of permit given for the conducting of the laundry in which the rags contained in the package or parcel were laundered and sterilized, and the name of the board or officer issuing the permit; or

(b) With the name and location of the laundry in which the rags were laundered and sterilized.

3954. No person shall wash, cleanse, or launder soiled rags or soiled cloth material for wiping rags by the same machinery or appliances by which clothing and articles for personal wear or household use are laundered. Laundering

### Article 3. Offenses

3960. Every person who violates any provision of this chapter is guilty of a misdemeanor. Penalty

CHAPTER. 5. (Repealed by Stats. 1939, Ch. 114.)

3975. (Repealed by Stats. 1939, Ch. 114.)

### CHAPTER 6. ICE

4000. No person shall make ice from, or cut natural ice in, impure or polluted water or source of water. Ice made or cut from polluted water

No person shall make ice from, or cut natural ice in, any water, or source of water, after notice from the department that the water or source of water, is impure or polluted.

No person shall offer for sale or sell for public use or consumption ice made or cut in violation of this section.



- Storage of ice**     4001. A person shall keep ice intended for public use or consumption in a place that meets all of the following requirements:
- (a) Clean and free from all filth, offal, refuse, and polluted waters.
  - (b) Separate and removed from contact with animal or vegetable matter.
  - (c) Not in proximity to any cesspool, privy vault, or sewer.
  - (d) Where the ice is not subject to contamination from, or the action of, acids or oils, or noxious, offensive, or injurious gases, smoke, or vapors.
- All ice kept or stored in violation of this section is deemed polluted ice and not fit for human consumption. No person shall sell such polluted ice.
- Transportation of ice**     4002. In the transportation of ice intended for public use or consumption, care shall be taken to prevent its contact with filth, offal, or other refuse, and to prevent its contamination by animal or vegetable matter, and to prevent its contamination by offensive or noxious oils, acids, or other substances injurious, dangerous, or offensive to health.
- Sale of ice**     4003. No person shall sell for public use or consumption, any of the following:
- (a) Ice that has been used for the cooling of malt, vinous or spirituous liquors, or for the refrigeration of butter, milk, meat or any animal or vegetable matter or substances.
  - (b) Ice that has been taken from any asylum, hospital, sanitarium, sick room, slaughterhouse, or any place where human or animal remains have been kept or deposited.
- Inspection**     4004. Any health officer or inspector, upon demand and notice of his authority, may, during reasonable hours, enter and inspect the ice, equipment, premises, sources of supply, and places of storage used by any person for storing or selling ice for human use or consumption.
- No person shall interfere with or refuse to permit the inspection.
- Penalty**     Violation of this section is a misdemeanor.
- Penalty**     4005. Violation of a rule, order, or regulation of the State Department of Public Health for the prevention of the pollution of ice or the sale or disposition of polluted ice offered, kept, or intended for public use or consumption, is a misdemeanor.

## PART 2. GARBAGE AND REFUSE DISPOSAL

### CHAPTER 1. GARBAGE DISPOSAL DISTRICTS

#### Article 1. Definitions

- "District"**     4100. "District," as used in this chapter, means a district formed pursuant to this chapter or pursuant to any law which it supersedes.

## Article 2. Formation

4105. Any portion of a county, whether the portion includes incorporated or unincorporated territory, may be formed into a garbage disposal district in the manner and under the proceedings in this chapter set forth; except that less than the whole of any city shall not be included in the district without unanimous consent of the governing body of the city.

Formation

Consent  
of city

4106. The board of supervisors may determine by resolution that a portion of the county is in need of facilities for the disposal of garbage and should be formed into a district.

Resolution of  
intention

Thereupon the board of supervisors shall fix a time and a place for a hearing on the matter of the formation of the district, which time shall be not less than three weeks after the adoption of the resolution, and shall direct the clerk of the board to publish a notice once a week for three successive weeks in a newspaper circulated in the territory which it is proposed to organize into a district, and which the board deems most likely to give notice to the inhabitants of the territory.

Publication

4107. The notice shall state the fact that the board of supervisors of the county has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a garbage disposal district.

Time and  
place

4108. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district. So far as practicable the boundaries shall be the center lines of highways.

Description  
of territory

4109. At any time prior to the time fixed for a hearing of the matter, any person interested may file with the clerk of the board written objections to the formation of the district. At the time and place fixed for the hearing or at any time to which the hearing may be continued, the board of supervisors shall consider and pass on all objections to the creation of the district, or to the inclusion of any territory in the district. At the hearing, the board of supervisors may exclude any territory that in the opinion of the board would not be benefited by inclusion in the district.

Objections

Hearing

4110. At the conclusion of the hearing, the board of supervisors shall either adopt an order abandoning the creation of the proposed district or shall by resolution order the matter of the creation of the district, within the boundary lines determined upon at the hearing, to be submitted to the voters registered in the proposed district at an election to be called for that purpose. At the election only voters registered in the proposed district shall be permitted to vote.

Order or  
resolution

**Precincts** 4111. Election precincts shall be established by the board, and election boards composed of one inspector, one judge, and one clerk shall be named. **Notice** At least one week prior to the election, notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other matters the election shall be conducted in the manner ordered by the board of supervisors.

**Formation upon election** 4112. If at the election a majority of all those voting upon the question of creation of the district, and a majority of those voting thereon in each city is in favor of the formation of the district, the board of supervisors shall make an order forming the district and thereupon it is formed. The order shall contain the name of the district, and a description of the boundaries, or otherwise indicate its territorial extent. The order is conclusive evidence of the regularity of all prior proceedings, except the adoption and publication in full of the resolution of intention, and of the fact of the holding of the hearing on formation.

### Article 3. Administration and Powers

**Powers** 4120. The board of supervisors is the governing body of the district and may do any or all of the following:

(a) Make and enforce all rules and regulations necessary for the administration and government of the district, and for the collection and disposal of garbage and other refuse matter in the district.

(b) Appoint agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

(c) Acquire by gift, purchase, condemnation, or otherwise, in the name of the county, and own, control, manage, and dispose of any interest in real or personal property, or, necessary or convenient for the collection and disposal of the garbage or other refuse matter of the district.

(d) Perform all of the acts necessary or proper to accomplish the purposes of this chapter.

**Contracts** 4121. The board of supervisors may enter into contracts for the disposal of garbage and other refuse matter. Whenever the board enters into, or renews such a contract, it shall **Call for bids** advertise for bids for the performance of the work in a newspaper of general circulation in the county. The advertisement shall be published for at least 10 consecutive times in a daily newspaper or for at least two consecutive times in a weekly newspaper. If there is no newspaper of general circulation published in the county, then the notice shall be given by posting in three public places for at least two weeks.

**Letting contract** All bidders shall be afforded opportunity to ascertain the details of the nature of the work to be done under the contract. The contract shall be let to the lowest responsible



bidder. If no satisfactory bid is obtained the board may reject all bids.

4122. The title of all property which is acquired for a <sup>Property</sup> district vests in the county. Whenever all of the territory in the district is annexed or otherwise included in any city, then the district is dissolved and the property becomes the property of the city. All money in the county treasury to the credit of the district shall upon the annexation or inclusion of the district be forthwith transferred to the treasury of the city and be used only for the purpose for which it was available prior to the transfer.

#### Article 4. Taxation

4127. The board of supervisors shall levy a tax each year <sup>Taxation</sup> upon the taxable property in the district sufficient to defray the cost of the disposal of garbage and other refuse in the district, and of the maintenance of the district, and to meet such other expenditures as are authorized by this chapter. The tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this chapter.

#### Article 5. Annexation

4135. The boundaries of any district may be altered, and <sup>Annexation</sup> outlying contiguous districts, whether incorporated or unincorporated, may be annexed as provided in this article.

4136. A petition signed by 50 or more freeholders in <sup>Petition</sup> the territory proposed to be annexed, or by a majority of the freeholders if there are less than 100 within the portion proposed to be annexed, designating the boundaries of the contiguous territory proposed to be annexed and asking that it be annexed to the district, shall be presented to the board of supervisors.

4137. At its first regular meeting after the presentation <sup>Notice</sup> of the petition, the board of supervisors shall cause notice of the petition to be published in a newspaper published and circulated in the territory sought to be annexed, if there is one, otherwise, by posting copies of the notice in three of the most conspicuous places in the territory proposed to be annexed, for three weeks prior to the date to be fixed by the board for hearing the petition.

Upon the date fixed for the hearing, or to which it may be <sup>Hearing</sup> continued, the board of supervisors shall consider the petition, and any objections which may be filed to the inclusion of any property in the district.

**Order** 4138. The board of supervisors may by order entered on its minutes grant the petition either in whole or in part, and by order entered on its minutes alter the boundaries of the district to annex all, or such portion of the contiguous territory described in the petition as will be benefited by inclusion in the district, and from and after the making of the order, the territory is a part of the district, and shall be taxed, together with the remainder of the district, for all taxes to be thereafter levied by the board of supervisors for the operation and maintenance of the district.

**Limitations on annexation** 4139. No territory which will not be so benefited, or which is not contiguous to the district, or which is not described in the petition, shall be included in the district.

Less than the whole of any city shall not be annexed to the district except by unanimous consent of the governing body of the city.

#### Article 6. Withdrawal of Territory

**Withdrawal** 4143. Any portion of a district that will not be benefited by remaining in the district may be withdrawn therefrom as provided in this article.

**Petition** 4144. Upon receiving a petition signed by 50 or more freeholders in the portion desired to be withdrawn from any district, or by a majority of the freeholders, if there are less than 100 freeholders in the portion sought to be withdrawn, requesting the withdrawal of that portion from the district on the ground that it will not be benefited by remaining in the district, the board of supervisors shall fix for the hearing of the petition and for hearing protests to the continuance of the remaining territory as a garbage disposal district a time that shall not be less than 10 days, nor more than 30 days after the receipt of the petition.

**Notice** 4145. The board of supervisors shall, at least a week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper circulated in the district that the board deems most likely to give notice to the inhabitants of the portion of the district proposed for withdrawal.

**Hearing** 4146. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district, or may object to the continuance of the remaining territory as a district, and the board of supervisors shall consider all objections and shall pass upon them. If it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district, and that the territory not sought to be withdrawn will be benefited by continuing as a garbage disposal district, then it shall grant the petition.

**Order**

4147. Upon the withdrawal of any territory from a district, as in this chapter provided, all property acquired for the district shall remain vested in the county and be used for the purpose of the district; except, that if the territory sought to be withdrawn from the district includes any incorporated territory, then a part of the money in the county treasury to the credit of the fund of the district shall be paid over to the city in accordance with the ratio that the territory of the city sought to be withdrawn from the district bears to the territory of the entire district. Property

## Article 7. Dissolution

4160. A district may be dissolved by the board of supervisors as provided in this article. Dissolution

4161. Upon receiving a petition signed by 50 or more freeholders and residents of the district, or by a majority of the freeholders and residents if there are less than 100 freeholders and residents in the district, requesting the dissolution of the district, the board of supervisors shall fix a time for the hearing of the petition, which shall not be less than 10 nor more than 30 days after the receipt of the petition, and shall, at least a week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper circulated in the district. Petition  
Notice

4162. At the time appointed for the hearing or at any time to which it may be continued, the board of supervisors shall hear and pass upon the petition and may grant or deny it, and its decision thereon is final and conclusive. Hearing

4163. If the petition is granted, the board of supervisors shall by resolution order the dissolution of the district and the district is then dissolved, and the property of the district remains the property of the county. Any money remaining in the fund of the district shall be expended in the maintenance and repair of the highways in the district whether such highways at the time of dissolution are in incorporated territory or in unincorporated territory. Order  
Funds

## CHAPTER 2. FRANCHISE BY COUNTIES

4200. Every franchise or privilege for the disposal or destruction, or both, of garbage, waste, offal, and debris, shall be granted by the board of supervisors of any county only under the terms and conditions of this chapter. Franchise

4201. Any county may, by resolution of the board of supervisors, call for bids for the granting of a franchise, exclusive or otherwise, for the disposal or destruction, or both, of garbage, waste, offal, and debris, according to the terms and Resolution of  
intention



conditions set forth in the resolution, for a period of time not to exceed 25 years.

**Notice** Thereafter the board of supervisors shall cause to be published once a week for two successive weeks a notice which shall set forth all of the terms and conditions embraced in the resolution and the time, date, and place for the receiving and opening of sealed bids, which shall not be sooner than four full weeks from date of the first publication of the notice.

**Bids** Upon examination by the board of supervisors of the bids, the franchise may be awarded to the best bidder. The board of supervisors may postpone the granting of the franchise from time to time until it has had a full and complete opportunity to examine into the merits of each bid.

**Bond** 4202. The successful bidder shall file with the board of supervisors, upon grant of the franchise, a bond in favor of the county in an amount and under such terms and conditions as may be prescribed by the board of supervisors.

**Additional terms and conditions** 4203. The county may, in the resolution and advertised notice, impose terms and conditions other than those mentioned in this chapter so long as they are not in conflict with the provisions of this chapter.

**Conditions, etc., in bid** 4204. A bidder may in his franchise bid set forth such propositions, terms, and conditions as he may desire to offer, or receive the benefit from, which may be in addition to, or in conflict with, those mentioned in the resolution or advertised notice calling for bids, so long as they are not in conflict with the provisions of this chapter.

### CHAPTER 3. FUMES ESCAPING FROM BURNING GARBAGE

#### Article 1. Cremation of Refuse, Generally

**Application of article** 4300. No person shall operate in any city, city and county, or town any crematory for the destruction by fire heat of garbage, ashes, offal, or other refuse matter, except as provided in this chapter.

**Contamination of atmosphere** 4301. No such crematory shall be operated in this State except in such a manner as will prevent the propagation of disease through contamination of the atmosphere of any city, city and county, or town by the gases or fumes arising from the fires or ovens of the crematory.

**Penalty** 4302. Every person who burns by fire heat or destroys by cremation any garbage, ashes, offal, or other refuse matter, in violation of the provisions of this article is guilty of a misdemeanor.

## Article 2. Cremation of Animal Refuse

4303. Every person who destroys or who attempts to destroy the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop by fire within one-fourth of a mile of any city, town, or village, except in a crematory, the construction and operation of which is satisfactory to the board of health of the city or the health officer of the town, is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.

Approval of  
incinerator

## CHAPTER 4. POLLUTION OF WATERS AND PUBLIC PLACES.

## Article 1. Navigable Waters.

4400. For the purpose of this article the term "garbage" "Garbage" includes any or all of the following:

- (a) Garbage.
- (b) Swill.
- (c) Refuse.
- (d) Cans.
- (e) Bottles.
- (f) Paper.
- (g) Vegetable matter.
- (h) Carcass of any dead animal.
- (i) Offal from any slaughter pen or butcher shop.
- (j) Trash.
- (k) Rubbish.

4401. Every person who places, deposits, or dumps any garbage in or upon the navigable waters of this State, or who places, deposits, or loads it upon any vessel, with intent that it shall be dumped or deposited in or upon the navigable waters of this State, or at any point in the ocean within 20 miles of any point on the coast line of the State, is guilty of a misdemeanor.

Garbage in  
navigable  
waters

4402. Every person in charge of any vessel who permits it to be loaded with any garbage with intent that it shall be dumped or deposited from the vessel in or upon any of the navigable waters of this State, or at any point in the ocean, within 20 miles of any point on the coast line of the State, is guilty of a misdemeanor.

Loading  
garbage

4403. A vessel upon which any garbage has been loaded with the intent that it shall be dumped or deposited upon any of the waters of the ocean where permitted by this article, shall not leave any point within the State unless it shall carry for the entire trip an inspector appointed by the State Department of Public Health, or where the point of departure is in a city, then by the city. The inspector shall enforce the provisions of this article.

Inspector

Every person in charge of a vessel which is required to have an inspector on board by this article, and which does not carry an inspector during the entire trip, is guilty of a misdemeanor.

Sewer  
systems

4404. This article shall not be construed to affect the discharge of any sewer system.

## Article 2. Water Supply

Contami-  
nation of  
water

4450. No person shall put the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop, into any river, creek, pond, reservoir, or stream.

Contami-  
nation of  
water supply

4451. No person shall put any water-closet or privy, or the carcass of any dead animal, or any offal of any kind, in, or upon the borders of, any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this State, in such a manner that the drainage of the water-closet, privy, carcass, or offal may be taken up by or in the water.

Drainage  
into water  
supply

4452. No person shall allow any water-closet, privy, or carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any stream, pond, lake, or reservoir within the boundaries of any land owned or occupied by him, in such a manner that the drainage from the water-closet, privy, carcass, or offal, may be taken up by or in the stream, pond, lake, or reservoir, if water is drawn therefrom for the supply of any portion of the inhabitants of this State.

Contami-  
nation of  
water by  
live stock

4453. No person shall keep any horses, mules, cattle, swine, sheep, or live stock of any kind, penned, corraled, or housed on, over, or on the borders of any such stream, pond, lake, or reservoir, in such a manner that the waters become polluted, if water is drawn therefrom for the supply of any portion of the inhabitants of this State.

Contami-  
nation of  
water supply  
by live stock

4454. No person shall cause or permit any horses, cattle, sheep, swine, poultry, or any kind of live stock or domestic animals, to pollute the waters, or tributaries of waters, used or intended for drinking purposes by any portion of the inhabitants of this State.

Bathing in  
water supply

4455. No person shall bathe, except as permitted by law, in any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this State, or by any other means foul or pollute the waters of any such stream, pond, lake, or reservoir.

Washing  
clothes in  
water supply

4456. Every person who washes clothes in any spring, stream, river, lake, reservoir, well, or other waters which are used or intended for drinking purposes by the inhabitants of



the vicinage or of any city, county, or town, of this State, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days, or a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by both such fine and imprisonment.

Each day's violation of this section is a separate offense.

4457. Every person who violates, or refuses or neglects to conform to, any sanitary rule, order, or regulation prescribed by the State Department of Public Health for the prevention of the pollution of springs, streams, rivers, lakes, wells, or other waters used or intended to be used for human or animal consumption, is guilty of a misdemeanor. Penalty

### Article 3. Public Places

4475. Every person who places, deposits, or dumps, or who causes to be placed, deposited or dumped, any garbage in or upon any street, alley, public highway, or road in common use or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof, or upon any private property into or upon which the public is admitted by easement or license, or on any private property without the consent of the owner, is guilty of a misdemeanor. Contamination of public places

(Amended by Stats. 1939, Ch. 535.)

### Article 4. Punishment for Violations, Generally

4485. Violation of any provision of this chapter is a misdemeanor. Penalty

(Amended by Stats. 1939, Ch. 535.)

## PART 3. SEWERS

### CHAPTER 1. MUNICIPAL SEWER DISTRICTS, ACT OF 1911

#### Article 1. Definitions and General Provisions

4600. "District," as used in this chapter, means any district formed pursuant to this chapter or pursuant to any law which it supersedes. "District"

4601. "Sewer," as used in this chapter, includes sewers for sanitary or drainage purposes, and drains, conduits, and outlets for surface or storm waters. "Sewer"

4602. This chapter does not affect any other law under which sewer work or improvement may be done within or by any city but it provides an alternate system of proceedings for sewer work and improvements. The governing body of any city may proceed in making improvements either under this chapter, or under any other law. But when any proceedings Scope and effect of chapter

are commenced under this chapter its provisions and such amendments as may hereafter be adopted, shall thereafter apply to all work done under those proceedings until completion.

If, after sewer work or improvement has been done or sewers acquired under this chapter the governing body of any city corporation deems it necessary or convenient to construct or acquire any additional sewer or sewers, the governing body may proceed to make improvement either under this chapter or under any other appropriate law.

## Article 2. Formation

**Formation** 4605. The governing body of any city may create from time to time in the city separate sewer districts whenever in its judgment the districts are necessary or convenient for proper sanitation and drainage.

**Purpose** 4606. Districts may be formed to construct or acquire sewers and to provide for the incurring of indebtedness to pay for the cost of the construction or acquisition of sewers.

**Resolution of intention** 4607. Whenever the governing body of a city determines that the public interest or convenience requires the construction, or acquisition by purchase or otherwise, of sewers in any part of the territory of the city, it shall pass a resolution to that effect.

**Vote** 4608. The resolution shall be passed by a vote of two-thirds of all its members and be approved by the mayor.

**Contents of resolution** 4609. The resolution shall:

- (a) Describe the boundaries of the proposed district.
- (b) Designate the district by a distinctive name and number.
- (c) Declare the district to be the district benefited by the work, or improvement, or acquisition of the sewer.
- (d) Name a time and place for the hearing of objections by any person interested in the formation of the district or in the inclusion within the district of any land within the boundaries described in the resolution.

(Amended by Stats. 1939, Ch. 1124.)

**Publication** 4610. The resolution, together with the names of the members of the governing body, voting for and against it and the name of the mayor approving it shall be published for at least two weeks successively next before the day fixed for the hearing in a newspaper of general circulation printed and published in the city.

**Hearing** 4611. On the day fixed for the hearing, or any day to which the hearing is adjourned, the governing body shall hear and consider any objections presented to the formation of the

district or to the inclusion of any lands in the district. After the hearing of the objections, if it shall be determined by a vote of two-thirds of all the members of the governing body that the public interest requires the formation of the district, the governing body shall proceed to fix and determine its boundaries.

4612. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, and approved by the mayor of the city, the governing body shall establish the district, and fix and determine its boundaries. This resolution, together with the names of the members of the governing body voting for and against the resolution and the name of the mayor approving it shall be spread upon the minutes of the governing body. Resolution establishing district

### Article 3. Issuance of Bonds

4615. At any meeting after the passage and recording of the resolution, by ordinance passed by a vote of two-thirds of all its members and approved by the mayor, the governing body may: Purpose of bond issue

(a) Adopt plans and specifications for the proposed sewer work, if to be constructed.

(b) Describe the territorial district upon which the expense of the proposed sewer work, improvement, or acquisition, shall be chargeable.

(c) Provide for a special election to be held in the city.

4616. The ordinance calling the special election shall: Contents of ordinance

(a) Recite the objects and purposes for which the indebtedness is to be incurred.

(b) State the estimated cost of the proposed sewer work or improvement, or sewer system to be acquired.

(c) State the amount of the principal of the indebtedness to be incurred.

(d) State the rate of interest or a maximum rate of interest to be paid on the indebtedness, which rate shall not be more than the rate specified in this chapter.

(e) Fix the date on which the special election shall be held.

(f) Determine the manner of holding the election, and the manner of voting for or against the incurring of the indebtedness.

(Amended by Stats. 1939, Ch. 1124.)

4617. In all particulars not recited in the ordinance, the election shall be held as is provided by law for holding general municipal elections in the city. Election

At the election only the proposition of incurring indebtedness for the purposes set forth in the ordinance may be submitted to the voters of the city.



**Interest rate** 4618. The maximum rate of interest to be paid on the bonded indebtedness shall be 6 per centum per annum payable semiannually.

**Publication** 4619. The ordinance shall be published once a day for five days prior to the date set for the election, in a daily newspaper of general circulation printed and published in the city or, if none, it shall be published once a week for two successive weeks prior to the date set for the election in a weekly or semiweekly newspaper of general circulation, printed and published in the city.

**Posting** In cities where no newspaper is published, the ordinance shall be posted in three public places in the district for two successive weeks prior to the date set for the election. No other notice of the election need be given.

**Election** 4620. If two-thirds of the votes cast are in favor of the issuance of the bonds, the bonds may be issued and the indebtedness incurred.

If less than two-thirds of the votes cast are in favor of the issuance of the bonds, the governing body of the city shall not within six months after the election pass any ordinance calling another election for incurring any indebtedness for sewer work within that district or in any district which has within its boundaries any of the territory of that district.

**Manner of payment of bonds** 4621. All bonds issued under this chapter shall be issued in the name of the city in which the district has been formed, and shall be payable in the following manner: A part to be determined by the city governing body, which part shall not be less than one-fortieth part of the whole amount of the indebtedness, shall be payable every year on a day and date, and at a place within the United States, to be fixed by the governing body and designated in the bonds, together with the interest on all sums unpaid at that date, until the whole of the indebtedness has been paid.

**Bonds** 4622. The bonds shall be issued in such denominations as the governing body determines, except that no bonds shall be of a denomination less than one hundred dollars (\$100) nor greater than one thousand dollars (\$1,000). The interest rate shall be specified in the bonds, and shall be payable semiannually.

The bonds shall be signed by any officer of the city, designated for that purpose by the governing body by resolution adopted by a two-thirds vote of all of its members, and shall also be signed by the city treasurer and countersigned by the city clerk.

The coupons of the bonds shall be numbered consecutively and signed by the treasurer.

If any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before the deliv-

ery of the bonds to the purchaser, his signature or counter-signature is as valid and sufficient for all purposes, as if he had remained in office.

4623. The governing body of the city in which the district has been created may issue and sell the bonds at not less than their par value, and the proceeds of the sale shall be placed in the city treasury to the credit of the proper sewer district fund and shall be applied exclusively to the purposes and objects specified in the ordinance calling the election. Proceeds

#### Article 4. Performance of Work

4627. Before the governing body awards contracts for doing any sewer work or improvement, the expense of which is to be paid out of the proceeds of sales of the bonds issued under this chapter, it shall cause notice with specifications to be posted conspicuously for five days on or near the chamber door of the governing body. The notice shall invite sealed bids for doing the sewer work or improvement. The governing body shall also cause notice of the proposed work and invitations to bid referring to the specifications posted or on file, to be published for two consecutive insertions in a daily, semiweekly, or weekly newspaper if there is one published and circulated in the city. If none, the posting is sufficient. Notice for bids

4628. All bids offered shall be accompanied by a check, payable to the order of the mayor, certified by a responsible bank for an amount which shall be not less than 10 per cent of the aggregate of the bid, or by a bond for that amount and so payable, signed by the bidder, and by two sureties who shall justify before an officer competent to administer an oath, in double the amount of the bond, over and above all statutory exemptions. Form of bid

4629. The bids shall be delivered to the clerk of the governing body, and the governing body shall in open session examine and publicly declare them. It may reject any or all bids if it deems this for the public good, and shall reject all bids other than the lowest bid of any responsible bidder, and may award the contract for the work or improvement to the lowest responsible bidder at the price named in his bid, if the award is approved by the mayor, or is made by a three-fourths vote of the governing body. Examination of bids

4630. If an award is not approved by the mayor or made by a three-fourths vote of the governing body, without further proceedings the governing body may readvertise for bids for the performance of the work as in the first instance, and thereafter again proceed pursuant to this article. The checks and bonds furnished in connection with the bid so rejected shall be returned. Rejection of bids

**Security** 4631. The check or bond accompanying an accepted bid shall be held by the clerk of the city until the contract for doing the work has been entered into by the successful bidder.

If any bidder fails, neglects, or refuses to enter into the contract to perform the work within 10 days after the contract has been awarded to him, the certified check accompanying his bid and the amount for which it is drawn is forfeited to the city.

**Performance bonds** 4632. The governing body may require such bonds as it deems adequate from bidders to whom contracts for the work or improvement are awarded, to insure the faithful performance of the contracts.

**Officer acting on behalf of city** 4633. The governing body may designate any city officer, in his official capacity, to make all written contracts and receive all bonds authorized by this article, and to fix the time for the commencement, which shall not be more than 15 days from the date of the contract, and for the completion of the work under all contracts entered into by him. All work shall be prosecuted with diligence from day to day until completion. He may extend the time so fixed from time to time under the direction of the governing body.

**City doing work directly** 4634. Instead of letting contracts for the work, the city may itself construct or complete the sewer or improvement, and buy the necessary materials, and employ the necessary labor.

**Chartered city** 4635. In any city operating under a charter framed under Section 8, Article XI of the Constitution and providing for a board or department of public works, all the things required to be done and performed by the governing body of the city in connection with the letting of contracts for, or the performance of the work of the district shall be done and performed by the board or department of public works of the city, and if the charter also prescribes the manner of letting and entering into contracts for the furnishing of labor, materials, or supplies for the construction or completion of public works or improvements, all contracts for the construction or completion of sewer work or improvements shall be let and entered into in conformity with the provisions of the charter.

**Rules and regulations for work** 4636. The governing body of each city in which sewer work or improvement is being made or acquired under this chapter shall make all needful rules and regulations for carrying out and maintaining the sewer work or improvement, and may appoint all agents, superintendents, and engineers necessary properly to look after the construction and operation of the sewers. However, in any city operating under a charter framed

**Chartered city** under Section 8 of Article XI of the Constitution of the State and having a board or department of public works, the powers and duties of the governing body stated in this section shall



be exercised and performed by the city board or department of public works.

4636.7. The provisions of the act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnished materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, are applicable to contracts for sewer work or improvements awarded by the governing body.

Mechanics' and materialmen's liens

(Added by Stats. 1939, Ch. 1124.)

## Article 5. Taxation and Finances

4638. Until the bonds are paid, or until there is a sum in the city treasury set aside for the purpose, sufficient to meet all sums coming due for the principal and interest on the bonds, the city governing body shall, at the time of fixing, and in the manner provided for the general tax levy, levy and collect each year upon the property situated in the district, and upon that property only, a tax sufficient to pay the annual interest on the bonds, and also such part of the principal as will become due before the time for fixing the next general tax levy. However, if the maturity of the indebtedness created by the issuance of all or any part of the bonds is made to begin more than one year after date of issuance, the tax shall be levied and collected annually, sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal when or before the payments provided for become due.

Bond tax

Sinking fund

4639. The taxes required to be levied and collected by this article shall be in addition to all other taxes levied for city purposes, and shall be used for no purpose other than the payment of the principal and interest due on the bonds.

Purpose of tax

## CHAPTER 2. SEWER DISTRICTS, ACT OF 1899

4659. This chapter may be cited as the Sewer Districts in Unincorporated Territory Act.

Title

(Added by Stats. 1943, Ch. 765.)

4660. Whenever one-third of the voters resident in any unincorporated territory in a county desire the formation of a sewer district, they shall file a petition with the board of supervisors of the county. The petition shall describe the exterior boundaries of the proposed district and shall pray for the formation of a sewer district. Upon the filing of such a petition the board of supervisors shall set a day for a hearing of any and all objections by all or any persons interested in the formation of such sewer district, and shall publish a

Petition

notice of the petition, time and place of hearing, and a description of the exterior boundaries of the proposed district for 10 days in some daily paper in the nearest municipal corporation, if there is one, if not, publication shall be made weekly for two successive weeks in a weekly paper published in the nearest municipality.

(Amended by Stats. 1939, Ch. 1124.)

Hearing 4661. On the day fixed for the hearing or any day to which the hearing is adjourned the board of supervisors shall hear and consider any objections presented to the formation of the district or to the inclusion of any lands in the district. After the hearing of the objections, if it shall be determined by a vote of two-thirds of all the members of the board of supervisors that the public interest requires the formation of the district, the board of supervisors shall proceed to fix and determine the boundaries. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, the board of supervisors shall establish such sewer district and permanently fix and determine its boundaries. This resolution, together with the names of the members of the board of supervisors voting for and against the resolution, shall be spread upon the minutes of the board of supervisors.

(Amended by Stats. 1939, Ch. 1124.)

Construction of sewers 4662. After the formation of the sewerage district, the board of supervisors may lay out and construct sewers therein, and provide for making connections with the sewer by property holders and other persons resident within the district, and for the maintenance and extension of the sewerage district. The board of supervisors shall compel property holders to connect all buildings with the sewers.

Connection with city sewer 4663. Whenever a sewerage district is formed under this chapter of territory adjacent to any city having a sewerage system, the district sewerage system shall be connected with and have its outlet through the city sewerage system; but no connection can be made or maintained with the city sewerage system of any city without the consent of the city governing body.

Charges for use of city system 4664. When connection is made with the city sewer system, the board of supervisors, from the funds collected from the taxes levied under this chapter, shall pay to the city annually the sum of money that is fixed as charges by the board of supervisors and the city governing body for the privilege of connecting and maintaining connection with the city sewer system. This amount may vary from year to year as the board of supervisors and the city governing body deem reasonable.

Tax 4665. At the time of making each tax levy subsequent to the formation of the district, the board of supervisors shall

levy such an amount of taxes upon the taxable property of the district as the board deems necessary for carrying out the provisions of this chapter and for the purposes of the district. The taxes shall be collected in the same manner as county taxes are collected. The board of supervisors shall provide in the levy for assessing and collecting a sufficient amount of money to pay to any city whose sewers shall be connected with pursuant to this chapter the amount fixed as charges for the privilege of connecting with the city sewerage system.

4666. Before the first day of March preceding the fiscal year for which the charge is made, the city governing body shall fix, and notify the board of supervisors of, the amount of the charge. Notice to district of charge by city

### CHAPTER 3. COUNTY SANITATION DISTRICTS

#### Article 1. General Provisions

4700. This chapter shall be known and cited as the "County Title Sanitation District Act."

4701. "District," as used in this chapter, means any county sanitation district formed pursuant to this chapter or pursuant to any law which it supersedes. "District"

4702. "District board," as used in this chapter, means the board of directors of a district. "District board"

4703. Districts may be formed, maintained, and governed in any county as provided in this chapter. Application of chapter

#### Article 2. Formation

4710. A board of supervisors desiring to form a county sanitation district shall adopt a resolution of its intention to do so. The resolution shall contain all of the following: Resolution of intention

- (a) A statement of the intention to form a district.
- (b) The boundaries of the proposed district or some other designation of its territorial extent.
- (c) The name of the proposed district.
- (d) The time and place where objections to the formation of the district or to its extent will be heard.
- (e) Instructions to the clerk of the board to publish the resolution and notices of hearing.

4711. The district as formed may include unincorporated or incorporated territory, or both. The incorporated territory included in the district may include the whole or part of one or more cities. However, less than the whole of a city shall not be included in the district except by unanimous consent of the governing body of the city. Territory  
Consent of city



The district shall not include the whole or part of any other district formed for similar purposes.

**Time and place of hearing** 4712. The time to be fixed for the hearing of objections shall be not less than 30 days after the adoption of the resolution. The hearing shall be held at the regular meeting place of the board of supervisors or else at some place in the proposed district.

(Amended by Stats. 1939, Ch. 596.)

**Publication** 4713. Prior to the time of hearing, the resolution shall be published at length twice in at least one newspaper of general circulation in the proposed district and brief notices of the passage of the resolution and the time and place of the hearing may be published in one or more daily or weekly newspapers published and circulated in the proposed district.

(Amended by Stats. 1939, Ch. 596.)

**Hearing** 4714. At the time provided in the resolution of intention or at any time to which the hearing is continued, the board of supervisors shall hear any objections to the formation of the district or to its extent. At the hearing the board of supervisors may exclude any territory that in its opinion will not be benefited by being in the district.

**Protest** 4715. If written objection to the formation of the district, signed by 2 per cent of the voters registered in the district, is filed with the board, it shall, and in any event it may, either adopt an order abandoning the formation of the proposed district or order the matter of the formation of the district with the boundary lines determined at the close of the hearing submitted to the voters of the proposed district at an election.

**Election** 4716. At the election only voters registered in the proposed district may vote. Election precincts shall be established by the board of supervisors, and precinct boards, composed of one inspector, one judge, and one clerk, shall be appointed. At least one week prior to the election, notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other particulars the election shall be conducted in the manner ordered by the board of supervisors.

**Order of formation** 4717. At the conclusion of the hearing, or if an election is held and the canvass of the election returns shows that a majority of all the votes cast in the entire proposed district and that a majority of the votes cast on the question in each city or part thereof in the proposed district were in favor of the formation of the district, the board of supervisors may, if it deems best, make an order forming the district.

(Amended by Stats. 1939, Ch. 596.)

4718. The order of formation shall contain the name of the district, and a description of the boundaries or otherwise indicate its territory. The order is conclusive evidence of the regularity of all prior proceedings, except the adoption and publication in full of the resolution of intention and of the fact of the hearing. Contents and effect of order

### Article 3. Officers

4730. The governing body of a sanitation district is a board of directors of not less than three members. The presiding officer of the governing body of each city, the whole or part of which is included in the district, is a member of the district board. Board

If unincorporated territory and territory of but one city is included in the district, the presiding officer and one other member of the board of supervisors of the county in which the district is formed are members of the district board, unless the population of the city or part in the district exceeds that of the unincorporated territory included in the district, in which event the presiding officer of the board of supervisors and the presiding officer of the governing body of the city and one other member of the city governing body constitute the district directors. Members

Whenever unincorporated territory and all or parts of two or more cities are included in the district the presiding officer of the board of supervisors of the county in which the district is located is a member of the district board.

If the district contains no unincorporated territory, the district board shall consist of the presiding officers of the governing bodies of the cities wholly or in part in the district; and if only two cities or parts thereof are in the district, one additional member shall be selected from the governing body of each of the cities.

If the whole of the district is unincorporated territory, the board of supervisors of the county in which the district is formed constitutes the district board.

(Amended by Stats. 1939, Ch. 596.)

4731. If additional territory is annexed to the district as well as whenever any change takes place in the character of the territory, by the incorporation of a city or otherwise, resulting in a condition which makes it necessary for a change to be made in the membership of the district board, the change in the membership of the district board takes place and becomes effective immediately. Annexation  
Membership of board

4732. The county auditor of the county in which the district is formed is ex officio the auditor of the district. Auditor

4733. Each member of the district board shall receive as compensation for his services as a member ten dollars (\$10) for each meeting of the district board attended by him, Compensation

together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting. However, no member shall receive compensation for attending more than three meetings of the board during any calendar month.

#### Article 4. District Powers

**Employees** 4739. A county sanitation district may employ such sanitation experts, surveyors, counsel, and other persons as are needed to carry into effect any powers of the district.

**Property** 4740. The district may acquire by gift, purchase, condemnation, or otherwise, in the name of the district, and own, control, manage, and dispose of any interest in real or personal property necessary or convenient for the construction, maintenance, and operation of a sewerage system and sewage disposal or treatment plant.

**Powers** 4741. It may construct, maintain, and operate within or without the district a sewerage system and sewage disposal or treatment plant.

**Joint operation** 4742. It may join with any other district, city, or other governmental agency in the construction, maintenance, or operation of a sewerage system or sewage disposal or treatment plant, either within or without the district, or so join for any combination of these purposes, but no such sewage disposal or treatment plant shall be constructed or maintained in any city not in the district, except by consent granted by the unanimous vote of the governing body of the city.

**Disposal of property** 4743. It may sell, lease, or otherwise dispose of any property of the district or any interest therein whenever it is no longer required for the purposes of the district, or when its use may be permitted without interfering with its use by the district.

**Sale of by-product** 4744. It may sell, or otherwise dispose of, any water, sewage effluent, fertilizer, or other by-product resulting from the operation of a sewerage system, sewage disposal plant, or treatment plant, and construct, maintain, and operate such pipe lines and other works as may be necessary for that purpose.

**Disposal of water or effluent** 4745. It may construct, maintain, and operate such pipe lines or other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of the sewerage system, plant, or works, by sale or disposition for agricultural or industrial purposes, or by discharging or spreading the water or sewage effluent in such a manner as to percolate into the underground gravels and replenish the natural water resources.



**4746. It may issue bonds.**

Bonds

4747. It may cause to be levied and collected taxes upon Taxes all the taxable real property in the district sufficient to meet the obligations evidenced by its bonds, to maintain the works of the district, and to defray all other expenses incidental to the exercise of the district powers.

4748. The district board shall, by resolution, employ one or more sanitation engineers to make a survey of the problems of the district concerning sanitation and especially with reference to the matter of sewage collection, treatment, and disposal. The resolution shall direct the engineer or engineers to prepare and file with the district board of the district a report setting Report forth:

(a) A general description of existing facilities for sewage collection, treatment, and disposal.

(b) A general description of the work proposed to be done to carry out the objects of the district.

(c) A general plan and general specifications of the work.

(d) A general description of the property proposed to be acquired or damaged in carrying out the work.

(e) A map showing the boundaries of the district and in general the location of the work proposed to be done, property taken or damaged, and any other information useful to an understanding of the proposed work.

(f) An estimate of the cost of the proposed work.

4749. The engineer or engineers may, subject to the direction of the district board, employ such surveyors and others as may be necessary to prepare the report. The district board at any time may remove any or all engineers or other persons employed, and may fill all vacancies. Appointment and removal

4750. When the engineers' report is filed the district board shall examine it and may thereupon (a) reject it and direct that a new report be prepared; (b) direct that changes be made in it; or (c) if it complies with the provisions of this chapter and is satisfactory to the board it shall fix a time and place for hearing objections to the report and to doing all or any part of the work referred to in the report. Action upon engineers' report

4751. Notice of the hearing shall be given by the district board by publishing the notice for at least five times in a daily, or twice in a weekly, newspaper circulated in the district, as the district board may direct. At the time and place so fixed, or at the time and place to which the hearing may be from time to time continued, the board shall hear all objections. Notice Hearing

4752. At the conclusion of the hearing the district board shall either order the report changed to conform to some or all the objections made or shall approve and adopt the report as Adoption of report

made. If changes in the report are ordered a further hearing shall be had upon it as amended and further hearings shall be had until the district board approves and adopts the report.

**Publication of report** 4753. The district board may, thereafter, have such portions of the report as are adapted to publication, or a resume, published for free public distribution.

**Supervision** 4754. The engineers employed by the district board to make the report required by this chapter, or other engineers, shall be directed by the district board to superintend the doing of the work recommended to be done in the report as approved and adopted.

**Methods of work** 4755. The work, or any portion of it, may be done in any of the following ways as ordered by the district board:

(a) By purchasing the material and doing the work by day labor.

(b) By purchasing the material and letting a contract for the doing of the work.

(c) By purchasing only a portion or none of the material and letting a contract for furnishing the balance or all of the material and the doing of the work.

**Contracts** 4756. Any contract for the doing of the work or for the doing of the work and furnishing any or all of the material shall be let to the lowest responsible bidder submitting a  
**Bids** sealed bid in response to a notice calling for bids.

**Notice** 4757. The notice shall be published once a week for at least two successive weeks in a newspaper circulated in the county and shall refer to detailed plans and specifications covering the work to be done and materials, if any, to be furnished. If the material to be purchased costs over one thousand dollars (\$1,000), and there is no purchasing agent, the material shall be purchased from the lowest responsible bidder.

**Modification in report** 4758. Any work recommended to be done in the report approved and adopted by the district board shall be done in conformity with the general plans and specifications contained in the report unless the district board, by a four-fifths vote, adopts a resolution declaring that the public interest requires a modification of or departure from the plans and specifications, which resolution shall contain a statement of the manner in which the modification is required or departure is to be made.

**Right of way** 4759. A right of way in or across any public highway, street, or property in the district is hereby granted to the district wherever the right of way is found by the district board to be necessary or convenient for doing any of the work.

4760. The district board may, by agreement with any city or other public agency, take possession of or acquire by condemnation or in any other manner any sewerage system, or any sewage disposal or treatment plant necessary or convenient to carry out any of the objects of the district, or may acquire by agreement or in any manner the right to use them, and any city or other public agency may enter into such an agreement with a county sanitation district. Acquisition of system  
Contracts for use

A compliance with this chapter is sufficient to authorize such an agreement by either a county sanitation district, city, or other public agency entering into such a contract with a county sanitation district.

Whenever any sewerage system, or sewage disposal or treatment plant so taken possession of or otherwise acquired was built from the proceeds of a bond issue, the district shall assume and pay out of its funds the outstanding bonds according to their terms, and the principal sum remaining unpaid shall be credited to it and deducted from any sum to be paid by it to the city or public agency. Bonds

Funds may be obtained by the county sanitation districts to pay the principal and interest on the assumed bonds in the manner as is provided for paying the principal and interest on its own bonds. Funds

4761. Any city or public agency in the district may enter into an agreement with the district for the use, or entire possession and operation, by the county sanitation district of any sewerage system, or sewage disposal or treatment plant owned or operated by the city or public agency. Contracts for use of system, etc.

4762. Whenever any area in the district is provided with a sewerage system the governing body of the city in which the area lies may declare the further maintenance or use of cess-pools or other local means of sewage disposal to be a public nuisance, and may require all buildings inhabited or used by human beings to be connected with the sewerage system. Connection with system

4763. All powers of the district shall be exercised by the district board unless otherwise specified. Powers of board  
(Added by Stats. 1939, Ch. 596.)

#### Article 4.5. Application of Other Statutes

(Article 4.5 added by Stats. 1939, Ch. 1124.)

4770. Except as to State highways where the State Highway Engineer refuses to issue a permit, with the consent of the legislative body having jurisdiction of the territory within which it is proposed so to do, expressed by resolution of such governing body, the board of any district organized subsequent to the effective date of this amendment may order the construction of sewers and appurtenances in the whole or any portion of any of the streets, highways, or public places Special assessment



of the district, or in property or in rights of way owned by the district, and acquire or construct trunk and collection lines and laterals, sewage disposal and treatment plants, and acquire rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or upon a special district.

(Added by Stats. 1939, Ch. 1124.)

Applicable  
statutes

4771. The Improvement Act of 1911, the Street Opening Act of 1903, and the Improvement Bond Act of 1915 are applicable to districts.

(Added by Stats. 1939, Ch. 1124.)

Duties of  
officers

4772. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

(a) "City council," and "council," mean board.

(b) "City," and "municipality," mean district.

(c) "Clerk," and "city clerk," mean secretary.

(d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties.

(e) "Tax collector," means county tax collector.

(f) "Treasurer," and "city treasurer," mean any person or official who has charge of and makes payment of the funds of the district.

(g) "Right of way," means any parcel of land through which a right of way has been granted to the district for the purpose of constructing and maintaining a sewer.

(Added by Stats. 1939, Ch. 1124.)

Exercise of  
powers

4773. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district.

(Added by Stats. 1939, Ch. 1124.)

4774. The improvements authorized to be constructed or acquired under this article are restricted to those permitted to be constructed or acquired by such districts under Article 4 of this chapter.

(Added by Stats. 1941, Ch. 1072.)

Lien

4775. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory.

(Added by Stats. 1941, Ch. 1072.)

(Article 4.5 added by Stats. 1939, Ch. 1124.)

## Article 5. Bonds

4780. After the approval and adoption of an engineers' report the district board shall submit to the voters of the district the proposition of incurring a bonded indebtedness to obtain funds with which to acquire the property and do the work set forth in the report. For that purpose a special election shall be called by resolution.

Bond  
election

4781. The resolution shall state all of the following:

Resolution

(a) The general objects and purposes for which it is proposed to incur an indebtedness.

(b) A reference to the report filed with the district board for particulars.

(c) The amount of the bonds proposed to be issued.

(d) The part of the principal to be paid each year, which part shall not be less than the part specified in this chapter.

(e) The rate of interest or a maximum rate of interest to be paid, which rate shall not be more than the rate specified in this chapter, payable at the times specified in this chapter.

(f) The date of the election.

(g) The election precincts, polling places, and election officers.

4782. For the purposes of the bond election the district board may consolidate into one precinct several precincts established for general election purposes and describe the precinct by reference to the general election precincts.

Precincts

4783. An election board consisting of one inspector, one judge, and one clerk shall be appointed by the district board for each precinct.

Election  
officers

4784. Only voters registered in the district are eligible to vote at the bond election.

Voters

4785. The resolution calling the election shall be published once a week for three successive weeks in a newspaper having a general circulation in the district and designated by the district board. No other notice of the election need be given.

Notice

4786. If two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the district for the amount stated in the resolution calling the election shall be issued and sold.

Two-thirds  
vote

4787. The validity of the bonds after their issuance shall not be questioned in any court except upon the ground that the provisions of this chapter authorizing their issuance are unconstitutional, or that the required hearing regarding the formation of the district was not legally held or proper notice of it was not given.

Validity  
of bonds

(Amended by Stats. 1939, Ch. 596.)

- Form of bonds** 4788. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable substantially in the following manner: A part to be determined by the district board, which shall not be less than one-fortieth part of the whole amount of the indebtedness, shall be payable each and every year on a day and date, and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid.
- Denomination** 4789. The bonds shall be issued in such denominations as the district board determines, except that no bonds shall be of a denomination less than one hundred dollars (\$100) or **Interest** greater than one thousand dollars (\$1,000). They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 6 per cent per annum, and shall, after the first year, be payable semiannually.  
(Amended by Stats. 1939, Ch. 596.)
- Signatures** 4790. The bonds shall be signed by the chairman of the district board, and countersigned by the auditor of the district, **Coupons** and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor of the district by his engraved or lithographed signature.
- Signatures** 4791. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature shall be as valid as if he had remained in office until the delivery of the bonds.  
(Amended by Stats. 1939, Ch. 596.)
- Sale of bonds** 4792. The board may issue and sell the bonds of the district at not less than par value, and the proceeds shall be placed in the treasury of the county.
- Proceeds** All premiums and accrued interest received shall be paid into the fund to be used for the payment of principal and interest on the bonds and the remainder of the proceeds of the sale shall be paid into the construction fund of the district, and proper records of the transactions shall be placed upon the books of the treasurer.
- Construction fund** 4793. The construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling the bond election.  
Payments from the construction fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county.



4794. If the proposition of issuing bonds submitted at a bond election fails to receive the requisite number of votes, the district board may, at the expiration of six months after that election, call or order another bond election, either for the same objects and purposes, or for any other object or purpose of the district.

Resubmission of proposition

4795. If bonds have been issued by the district and the proceeds of the sale have been expended, and the district board by resolution passed by a vote of four-fifths of all its members determines that the public interest or necessity of the district demands the issuance of additional bonds for carrying out any of the objects of the district, the district board may again have a report made, and submit to the voters the question of issuing additional bonds in the same manner as for a first issue. All the provisions of this chapter for the issuance and sale of bonds, and for the expenditure of the proceeds apply to the issuance of additional bonds.

Additional bonds

4796. Bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the real property in the district, and all the real property in the district shall be and remain liable to be taxed for such payments. Said bonds and the interest thereon shall not be taxable in this State.

Bond lien

Tax exemption

(Amended by Stats. 1939, Ch. 596.)

4797. It is not the intention of this chapter that other than main trunk lines of the sewerage system of the district shall be constructed from the proceeds of the sale of bonds of the district, but that the lateral and collecting lines shall be constructed and paid for by the county, cities, or other public agencies or districts that by law are authorized to construct the lateral and collecting lines and provide for their payment. The determination by the district board of what are main trunk lines is final.

Use of proceeds

(Amended by Stats. 1939, Ch. 596.)

4798. Connection of lateral or collecting lines to the main trunk line shall be made at points and in the manner to be directed by the engineer of the district under instructions from the district board, subject to such terms and conditions as the district board may prescribe.

Lateral and connecting lines

(Amended by Stats. 1939, Ch. 596.)

4799. Nothing in this chapter shall affect the validity of, or the right to issue and sell, bonds voted prior to the date when this code goes into effect.

Effect of chapter

(Added by Stats. 1939, Ch. 596.)

## Article 6. Finance and Taxation

**Statement of amount** 4810. Annually, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is located is required by law to levy the amount of taxes required by law for county purposes, the district board shall furnish to the board of supervisors a written statement of the amount necessary to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy.

**Levy of tax** 4811. The board of supervisors of the county shall annually, at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district, based upon the last equalized assessment roll of the county sufficient to pay the interest on the bonds for that year and such portion of the principal as is to become due before the time for making the next general tax levy.

**Lack of statement** 4812. If the district board fails to furnish to the board of supervisors the written statement of the amount necessary, the board of supervisors of the county shall ascertain the amount necessary to pay the interest on the bonds for that year and the portion of the principal that is to become due before the time for making the next general tax levy, and shall levy and cause to be collected the necessary amount.

**Tax collection. Funds** 4813. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the treasury of the county to the credit of the district, and shall be used for the payment of the principal and interest upon the bonds, and for no other purpose.

**Payment of bonds** 4814. The principal and interest on the bonds shall be paid by the treasurer of the county in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county.

**Statement of amount needed for expenses** 4815. In any year, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is located, is required by law to levy the amount of taxes required by law for county purposes, the district board may furnish to the board of supervisors a written statement of the amount necessary to maintain, operate, extend, or repair any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the district's powers, and the board of supervisors of the county shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district, based upon

**Levy of tax**

the last equalized assessment roll of the county sufficient to pay the cost of maintaining, operating, extending, or repairing any work or improvements of the district and of defraying all other expenses incidental to the exercise of any of the district's powers.

4816. The tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenue derived from the tax shall be paid into the county treasury to the credit of the operating fund of the district, and the district board shall control and order its expenditure. Tax collection

(Amended by Stats. 1939, Ch. 596.)

4817. Payments from the operating fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county. Operating fund

4818. The cost of preparing the engineer's report, including the compensation paid engineers and other employees of the district, is a charge against the district and shall be paid from the first available funds of the district. Cost of engineer's report

## Article 7. Annexation

4830. Territory, whether incorporated or unincorporated, contiguous to a district, and not included in any other county sanitation district or other district formed for similar purposes, may be annexed, if the board of supervisors finds and determines that the additional territory will be benefited by annexation. Type of territory

(Amended by Stats. 1939, Ch. 596.)

4831. For the purpose of annexing territory to a district the board of supervisors shall proceed in the same manner as for the formation of a district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall instead be set forth the boundaries of the territory proposed to be annexed and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory proposed to be annexed. Procedure

The district board shall before such annexation is completed, by resolution, find and declare that the district will be benefited by the annexation of the territory and consent to its annexation.

(Amended by Stats. 1939, Ch. 596.)

4832. Whenever any territory is annexed to a district it thereupon becomes a part of the district and is subject to all the liabilities and entitled to all the benefits of the district. Effect of annexation



## Article 8. Joint Operation

Joint  
operation  
by districts

4840. Whenever two or more sanitation districts find and declare by resolution adopted by their respective district boards that it is for the interest or advantage of the districts to do so, the districts by their respective district boards may enter into an agreement for the maintenance of a centralized and joint administrative organization to care for the general administration of the affairs of each of the districts, and the construction, supervision, operation, and maintenance of the work of each of the districts, and for that purpose the districts may agree to employ the same engineers, surveyors, counsel, and other persons needed to carry out the purposes of the districts.

Agreement

4841. The agreement shall specify the proportionate amount to be paid by each district toward the costs and expenses of the organization and the salaries, wages, or other compensation of all persons employed jointly by the districts.

Expenses

4842. For the purpose of facilitating the payment of the joint costs, expenses, salaries, wages, or other compensation, the agreement may also provide for the payment by each district of its proportionate share of the costs, expenses, salaries, wages, or other compensation, into the funds of any one of the districts which may be designated for the purpose, and the designated district shall thereafter pay all the costs, expenses, salaries, wages, or other compensation incurred by, or to be paid in connection with the maintenance of the joint organization.

## Article 8a. Withdrawal of City

(Article 8a added by Stats. 1939, Ch. 270, purportedly to Chapter 4 of this part. Apparently the correct reference is Chapter 3.)

Withdrawal  
of city from  
district

4845.05. A city may withdraw from a district when all of the following conditions exist:

(a) The district has been in existence for more than 10 years;

(b) The district has no indebtedness evidenced by bonds or otherwise, exclusive of indebtedness or expense, if any, previously incurred under Sections 4815, 4816, 4817, 4748 or 4749; and in event such indebtedness or expense is outstanding and owing on the date of the election herein authorized, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof;

(c) An election has been held on the question whether a bonded indebtedness should be incurred by the district, which proposition has failed at an election to receive the number of votes required to authorize the issuance of bonds.

(Added by Stats. 1939, Ch. 270.)

4845.06. The withdrawal shall be effected by the vote of a majority of the qualified electors of the city voting at an election on the proposition to withdraw.

(Added by Stats. 1939, Ch. 270.)

4845.07. The election may be called and conducted by the district board upon its own motion, and shall be called and conducted upon presentation to it of a petition signed by not less than twenty-five per cent (25%) of the qualified electors residing in the city.

(Added by Stats. 1939, Ch. 270.)

4845.08. The election shall be called within thirty (30) days after such petition is presented and conducted in the same manner as other elections of the district, except that the resolution calling the election shall be published in a newspaper having a general circulation in the city.

(Added by Stats. 1939, Ch. 270.)

4845.09. The district board shall canvass the returns of the election within 30 days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then it shall so find and declare, and thereupon the territory shall no longer be a part of the district.

(Added by Stats. 1939, Ch. 270.)

4845.1. A certified copy of the resolution shall, within 15 days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

(Added by Stats. 1939, Ch. 270.)

4845.11. If the withdrawal of the city results in less than three members remaining on the district board, the vacancy shall be filled in accordance with the provisions of this chapter for changes in the membership of the district board.

(Added by Stats. 1939, Ch. 270.)

4845.12. In event of the withdrawal of a city, the disposition of the property of the district lying within the city, and of the debts and funds of the district, shall be as provided in the article of this chapter on dissolution.

(Added by Stats. 1939, Ch. 270.)

4845.13. The territory within the city so withdrawing from the district shall not thereafter become a part of the same or any other county sanitation district unless the question of annexation or inclusion within the district is approved by a majority of the qualified electors of the city, voting at an election on the proposition of annexation or inclusion.

(Added by Stats. 1939, Ch. 270.)

#### Article 8b. Withdrawal of Unincorporated Territory

(Article 8b added by Stats. 1939, Ch. 270, purportedly to Chapter 4 of this part. Apparently the correct reference is to Chapter 3.)

Withdrawal  
of unin-  
corporated  
territory  
from district

4845.20. All or any portion of the unincorporated territory within a district, may withdraw from the district when all of the following conditions exist:

(a) The district has been in existence for more than 10 years;

(b) An election has been held on the question whether a bonded indebtedness should be incurred by the district, which proposition has failed at the election to receive the number of votes required to authorize the existence of bonds;

(c) The district has no indebtedness evidenced by bonds or otherwise, exclusive of indebtedness or expense, if any, previously incurred under Sections 4815, 4816, 4817, 4748, or 4749; and in event such indebtedness or expense is outstanding and owing on the date of the election authorized in this article the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof.

(Added by Stats. 1939, Ch. 270.)

Election

4845.21. The withdrawal shall be effected by the vote of majority of the qualified electors of the territory seeking to withdraw, voting at an election on the proposition to withdraw.

(Added by Stats. 1939, Ch. 270.)

Petition

4845.22. The election shall be called and conducted by the board of directors of the district whenever a petition signed by twenty-five per cent (25%) of the qualified electors residing in the territory seeking to withdraw, is presented to the board. The petition shall describe the exterior boundaries of the unincorporated territory seeking to withdraw, and request that an election shall be called and conducted on the proposition to withdraw.

(Added by Stats. 1939, Ch. 270.)

Conduct of  
election

4845.23. The election then shall be called and conducted in the same manner as other elections of the district except that the resolution calling the election shall be published in a newspaper having a general circulation within the territory seeking to withdraw.

(Added by Stats. 1939, Ch. 270.)

Canvass

4845.24. The board of directors shall canvass the returns of the election within 30 days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then the board shall so find and declare, and thereupon the territory no longer shall be a part of the district.

(Added by Stats. 1939, Ch. 270.)

Resolution of  
withdrawal

4845.25. A certified copy of the resolution shall be filed with the clerk of the board of supervisors of the county in which the district is situated, within 15 days after the resolution is adopted.

(Added by Stats. 1939, Ch. 270.)



4845.26. If the withdrawal of the territory results in less than three directors remaining on the board of directors of the district, the vacancy shall be filled in accordance with the provisions of this act for changes in the membership of the board of directors.

Vacancies  
on board

(Added by Stats. 1939, Ch. 270.)

4845.27. In event of the withdrawal of all or any portion of such unincorporated territory, the disposition of the property lying within such territory so withdrawing, and the debts and funds of the district shall be as provided in Article 9 of this chapter.

Property

(Added by Stats. 1939, Ch. 270.)

4845.28. The unincorporated territory shall not thereafter become a part of the same or any other county sanitation district unless the question of annexation or inclusion within a district is approved by a majority of the qualified electors of the territory so withdrawing, voting at an election on the proposition of annexation or inclusion.

Election to  
join new  
district

(Added by Stats. 1939, Ch. 270.)

#### Article 9. Dissolution

4850. A district having no bonded indebtedness may be dissolved upon the vote of a majority of its voters upon an election called by the district board upon that question. Before dissolution all legal indebtedness of the district shall first be paid and discharged.

Election

Indebtedness

4851. The election on the question of dissolution shall be called and conducted in the same manner as other elections of the district, and the district board shall canvass the returns of the election within 30 days after the election.

Conduct of  
election

4852. If a majority of the votes cast are in favor of dissolution of the district, the district board shall by resolution so find, and declare the district dissolved, and thereupon the district is dissolved.

Resolution

4853. A certified copy of the resolution shall, within 15 days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

Certified  
copy

4854. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city, and the property of the district lying without the corporate limits of any incorporated city vests absolutely in the county in which the district is situated.

Property

4855. If after the dissolution of the district it is found that through oversight or error there remains a legal indebtedness of the district, the board of supervisors of the county shall levy a tax upon the taxable real property within the

Remaining  
indebtedness

boundaries of the district as it existed at the time of dissolution, sufficient to meet the indebtedness and interest thereon, if any, and pay it.

**Funds** 4856. Any funds belonging to the district at the time of dissolution shall be transferred to the cities and the county, as the case may be, in proportion to the assessed valuation of the taxable real property in the cities and county respectively, as it appears on the last equalized assessment roll of the county prior to the dissolution.

## CHAPTER 4. SEWER MAINTENANCE DISTRICTS

### Article 1. General Provisions and Definitions

**Title** 4860. This chapter shall be known and may be cited as the Sewer Maintenance District Act.

**"District"** 4861. "District," as used in this chapter, means a sewer maintenance district formed pursuant to this chapter or pursuant to any law which it supersedes.

**"Board"** 4862. "Board," as used in this chapter, means the board of supervisors of the county in which a district is formed, or in which it is proposed to form a district.

**"Clerk"** 4863. "Clerk," as used in this chapter, means the clerk of the board of supervisors.

**Other statutes** 4864. This chapter does not repeal any law providing for the organization of sanitary districts or county sanitation districts nor authorize the governing body of a sewer maintenance district to manage, control, or otherwise interfere with the maintenance or repair of any sewers under the control of a sanitary district or county sanitation district.

**"Maintenance of sewers"** 4865. "Maintenance of sewers" as used in this chapter includes the extension and enlargement of sewers, within a district.

(Added by Stats. 1943, Ch. 765.)

**"Sewers"** 4866. "Sewers" as used in this chapter includes lateral and collecting sewers, septic tanks and all other means of handling, gathering and disposing of sewage in the district.

(Added by Stats. 1943, Ch. 765.)

### Article 2. Formation

**Territory** 4870. Any portion of the unincorporated territory of a county in which lateral or collecting sanitary sewers have been installed, for the maintenance and repair of which provision is not otherwise made, may be formed into a district.

**Resolution of intention** 4871. The board of supervisors of any county may determine by resolution that any portion of the unincorporated area of the county not already included in a district is in need of sewer maintenance and should be formed into a district.

4872. The board shall fix a time and place to hear the proposal to form a district. Time and place of hearing

4873. The board shall direct the clerk to give notice of the hearing. The notice shall have the heading "Notice of the proposed formation of ----- Sewer Maintenance District," stating the name of the proposed district. It shall: Notice

(a) State the time and place for the hearing.

(b) Set forth the exterior boundaries of the territory proposed to be organized into a district.

4874. The board shall direct the clerk to publish the notice once a week for two successive weeks in the newspaper of general circulation circulated in the territory which it is proposed to organize into a district that the board deems most likely to give notice to the inhabitants of the proposed district. Publication

4875. The board shall also direct the clerk to post the notice in three public places in the proposed district at least 10 days prior to the date set for the hearing. The heading of each posted notice shall be in letters of not less than one inch in height. Posting

4876. At any time prior to the time fixed for the hearing any interested person may file with the clerk written objections to the formation of the proposed district. Protests

4877. At the time and place fixed for the hearing or at any time to which the hearing is continued, the board shall consider and pass on all written objections filed. Hearing

4878. If the board overrules the objections to the formation it shall hear any person objecting to the inclusion in the proposed district of any particular territory and may, upon the hearing, exclude any territory that would not be benefited by inclusion. At the conclusion of the hearing the board may by resolution abandon the proposed formation of the district, or it may form the district and fix its boundaries either as set forth in the notice or as modified upon the hearing. The boundaries shall not be changed to include any territory outside the boundaries described in the notice. Change in proposed boundaries Formation

### Article 3. Officers and Powers

4885. The board is the governing body of the district and may make and enforce all rules and regulations necessary for the administration and government of the district and for the cleaning, repair, reconstruction, renewal, replacement, operation, and maintenance of lateral and collecting sewers in it. Board

4886. The board may acquire by gift, condemnation, purchase, or otherwise in the name of the county, and own, con- Property



trol, manage, and dispose of, personal property necessary or convenient for the purposes of this chapter, and may perform all of the acts necessary or proper to accomplish such purposes.

**Powers** 4887. The board may appoint the county surveyor to supervise the work of cleaning, repairing, reconstructing, renewing, replacing, operating, and maintaining the sewers and their appurtenances and may enter into contracts for the purchase of water to be used in flushing the sewers and for the disposal of sewage collected in the district.

#### Article 4. Finances and Taxation

**Filing  
copies of  
resolutions** 4890. The clerk shall file in the office of the county assessor a certified copy of each resolution of the board that affects a district in any of the following ways:

(a) Establishes it.

(b) Reestablishes its boundaries after territory has been annexed to it.

(c) Reestablishes its boundaries after territory has been withdrawn from it.

(d) Dissolves it.

The county assessor shall thereafter in making up the assessment roll segregate on it the property included in the district.

**Tax** 4891. The board may levy a tax each year upon the real property in the district sufficient to defray the cost of maintaining, operating, and repairing the sewers in the district, of maintaining the district, and of meeting such other expenditures as are authorized by this chapter.

(Amended by Stats. 1943, Ch. 197.)

**Levy and  
collection** 4892. The tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury to the credit of the maintenance fund of the district and shall be used only in furtherance of the purposes of this chapter.

#### Article 5. Annexation

**Territory** 4895. Outlying territory may be annexed to a district as provided in this article.

(Amended by Stats. 1939, Ch. 596.)

**Resolution  
setting  
hearing** 4896. The board may by resolution fix a time and place for a hearing upon the question of the annexation of territory to a district. The resolution shall describe the boundaries of the territory proposed to be annexed.

**Time** 4897. The date set for the hearing on the proposed annexation shall be at least three weeks after the date of the adoption of the resolution setting the hearing.

4898. The board shall cause notices of the hearing to be Posting posted in at least three conspicuous places in the territory proposed to be annexed and in at least three conspicuous places in the district. However, if the territory proposed to be annexed is in more than one existing district the notices shall be posted in at least three conspicuous places in each district in which is situated any of the territory proposed to be annexed.

4899. The notices shall be headed "notice of hearing" in Contents of notices letters not less than one inch in height and shall contain a description of the territory proposed to be annexed and a statement of the time and place of the hearing. In lieu of the description the boundaries of territory proposed to be annexed may be shown by means of a diagram printed upon the notice. The notices shall be posted not less than 10 days prior to the Posting date set for the hearing. In addition to the notices the board Publication shall direct its clerk to publish a notice once a week for two successive weeks in the newspaper of general circulation circulated in the district and another in the territory proposed to be annexed that the board deems most likely to give notice of the hearing to the inhabitants of each.

4900. At the time fixed for the hearing or at any time to Hearing which it is continued the board shall hear and pass upon the proposal and any objections that may be filed to the inclusion of any property in the proposed annexation.

The board may, by order entered upon its minutes, determine that the territory proposed to be annexed or any part will be benefited by annexation and may order that the boundaries of the district be altered to include that territory. Order of annexation

4901. If the territory annexed to the district comprises a Annexation of territory in another district portion of another district, upon the annexation becoming complete the territory shall thereupon be withdrawn from the district of which it theretofore formed a part.

4902. If the territory annexed to the district comprises all Dissolution of district where all of territory annexed of another district, the theretofore existing district is thereupon dissolved. The funds of the dissolved district shall be transferred to the district to which all its territory has been annexed and all contracts or obligations of the dissolved district become the obligations of the district to which the territory has been annexed.

4903. The exclusion of territory from one district and its Contracts annexation to another district shall not be effective until all outstanding contracts of the district from which it is excluded have expired or the contracts, with the consent of the parties, have been modified or canceled so as to relieve the district of further obligation to pay for future maintenance in the territory excluded, and until the funds remaining on hand upon Expenses the completion of the exclusion and annexation have been

apportioned between the district to which the territory was annexed and the district from which it was excluded.

**Funds** The division of the funds shall be prorated in the proportion that the assessed value of the real property of the territory so excluded bore to the total assessed value of the real property in the district immediately prior to the exclusion.

### Article 6. Exclusion

**Exclusion** 4905. Any portion of a district that will not be benefited by remaining in the district may be excluded as provided in this article.

**Petition** 4906. A petition to exclude territory shall be signed by 50 or more freeholders in the portion proposed to be excluded from the district, or by a majority of the freeholders, if there are less than 100 freeholders in the portion proposed to be excluded. The petition shall request the exclusion of that territory from the district on the ground that it will not be benefited by remaining in the district.

**Time and place of hearing** 4907. Upon receiving a petition to exclude territory the board shall fix a time for hearing it and for hearing protests to the continuance of the remaining territory as a district. The time of hearing shall not be less than 15 nor more than 30 days after the receipt of the petition.

**Notice** 4908. At least 10 days prior to the time fixed, the board shall publish a notice of the hearing by one insertion in the newspaper circulated in the district that the board deems most likely to give notice to the district's inhabitants of the proposed exclusion.

**Hearing** 4909. Any person interested may appear at the hearing and object to the exclusion of the territory from the district, or may object to the continuance of the remaining territory as a district, and the board shall consider all objections and shall pass upon them.

**Determination** 4910. If the board finds that the territory proposed to be excluded will not be benefited by remaining in the district, and that the territory not proposed to be excluded will be benefited by continuing as a district, it shall grant the petition, and by resolution establish the boundaries of the district as reestablished after the exclusion.

**Property** 4911. Upon the exclusion of any territory from a district all property acquired for the district shall remain vested in the county and be used for the purposes of the district.

### Article 7. Dissolution

**Dissolution** 4915. A district may be dissolved by the board as provided in this chapter.



4916. A petition for dissolution shall be signed by 50 or more freeholders and residents of the district, or by a majority of the freeholders and residents if there are less than 100 freeholders and residents in the district, and shall request the dissolution of the district. Petition

4917. Upon receiving a petition for dissolution the board shall fix a time for the hearing of the petition, which shall not be less than 15 nor more than 30 days after its receipt. Time and place of hearing

4918. At least 10 days prior to the time fixed, the board shall publish a notice of the hearing by one insertion in a newspaper circulated in the district. Notice

4919. At the time appointed for the hearing or at any time to which it is continued, the board shall hear and pass upon the petition and may grant or deny it, and its decision is final. Hearing

4920. If the petition is granted, the board shall by resolution order the dissolution of the district and the district is thereupon dissolved. The property of the district remains the property of the county in which the district is located. Resolution  
Property

4921. Upon the inclusion of all the territory of a district in one or more cities, either by reason of annexation or by reason of the incorporation of one or more cities, all funds paid into the county treasury to the credit of the district shall be paid over by the board as provided in this article. Inclusion of territory in cities

4922. If all of the district is included in one city, the fund shall be paid to the treasurer of the city and administered by the governing body of the city. Inclusion in one city

4923. If a part only of the district is so included in one city and the remaining part of the district is included in one or more other cities then such proportionate part of the funds shall be paid to the treasurer of each city as the assessed valuation of the real property of the portion of the district included in each city bore, before being so included, to the total assessed valuation of the real property of the district. Apportionment of funds

4924. The funds paid over by the district to a city shall be administered by its governing body for the benefit of such portions of the district as are included in the city, and for the purpose of operating and maintaining the sewers in it formerly maintained by the district. Use of funds

4925. When all territory in a district has been included in a city the district is thereupon, by reason of the inclusion, dissolved. Dissolution by inclusion of all territory in city

Inclusion of part of territory in city  
Indebtedness

4926. If less than the whole of a district is included in a city either by reason of annexation or by reason of incorporation proceedings, the district continues in existence and continues to function except that the portion of the district included in the city is excluded from the district. But the inclusion of territory of a district in a city does not operate as a withdrawal of the territory from the district unless and until all outstanding contracts of the district have expired or the contracts, with the consent of the parties, have been modified or canceled so as to relieve the district of further obligation to pay for future maintenance in the territory so included.

## CHAPTER 5. SEWER REVENUE BONDS

### Article 1. General Provisions and Definitions

- "Works" 4950. "Works," as used in this chapter, includes sewage treatment plants, intercepting and collecting sewers, outfall sewers, force mains, pumping stations, ejector stations, and all other appurtenances necessary, useful, or convenient, for the collection, treatment, purification, or disposal of sewage, and necessary lands, rights of way, or other property.
- "District" 4951. "District," as used in this chapter, includes city, county, sanitary district and sanitation district, and districts formed under the Sewer Maintenance District Act and the Sewer Districts in Unincorporated Territory Act.  
(Amended by Stats. 1943, Ch. 765.)
- "Governing body" 4952. "Governing body," as used in this chapter, means the governing body of the district.
- "Clerk" 4953. "Clerk," as used in this chapter, means the clerk or secretary of the governing body or of the district.
- "Area" 4954. "Area," as used in this chapter, means the area served, or proposed to be served, by the works, or proposed works.
- "Rates" 4955. "Rates," as used in this chapter, includes rates and charges.
- "Bonds" 4956. "Bonds," as used in this chapter, means revenue bonds authorized by this chapter.
- "Treasurer" 4957. "Treasurer," as used in this chapter, means the treasurer of the district.
- "Owners of improved real property" 4958. "Owners of improved real property," as used in this chapter, means persons who are recorded on the books of the assessor and tax collector as the owners of lots or parcels of land in the area that are improved by buildings that would be subject to service of works under the provisions of this chapter, on completion of the project.

4959. The provisions of this chapter regarding a referendum shall be liberally construed to effect the objects of this chapter, and no irregularity or informality shall invalidate the election when it appears that the provisions of law have been substantially complied with. Referendum provisions

4960. This chapter is an additional and alternative method to those already provided for the acquisition, construction, extension, and operation of the works referred to in this chapter. Additional and alternative method

### Article 2. Resolution

4965. Before a district acquires or constructs any works under this chapter, its governing body shall adopt a resolution declaring its intention to do so. Resolution of intention

4966. The resolution of intention shall contain all of the following: Contents of resolution

(a) A brief and general description of the works. If they are to be constructed, a reference to the plans and specifications that have been prepared and filed by the engineer chosen by the governing body.

(b) The estimated cost of the works to be acquired or constructed, and the amount of bonds to be issued and sold.

(c) A general description of the area to be served by the proposed works, referring to a plat of the area, which shall govern for all details.

(d) An estimate of the number and character of the places and properties to be served by the works, including those ready for immediate service and those in expectancy.

(e) An estimate of the immediate revenue that would be received from the operation of the works, and of future revenues in expectancy.

(f) A statement that revenue bonds of the district will be issued to cover the cost of the works.

(g) A notice of the time and place when persons interested may appear before the governing body and be heard as to any protests or objections they may have against the acquisition or construction of the proposed works and the issuance and sale of bonds.

(Amended by Stats. 1939, Ch. 1124.)

### Article 3. Notice, Hearing, and Election

4970. The time set for the hearing shall be not less than 20 nor more than 40 days after the adoption of the resolution. Time of hearing

4971. The governing body shall cause the resolution to be published twice in one or more newspapers published and circulated in the district. If no newspaper is published in the district, then the publication shall be made in a newspaper published in the county in which the district is located. Publication of resolution



- Posting 4972. A copy of the resolution headed "Notice of Sewer Work," in letters not less than one inch in height, shall be posted in the district along the entire length of that street in the district which, in the opinion of the governing body, is traversed by the largest number of people. The notices shall be posted not less than 300 feet in distance apart, and not less than three notices shall be posted in any case.
- Completion of posting and publication 4973. Both the posting and the publication shall be completed at least 10 days before the time set for the hearing. Affidavits of publication and of posting shall be filed with the clerk.
- Hearing 4974. At the time set for the hearing, the governing body shall hear all persons or their representatives having any objections to the acquisition or construction of the works as proposed, also any suggestions that may be offered in the way of an amendment or modification of the proposition. The governing body may continue the hearing from time to time, and modify the boundaries of the area by eliminating territory, but no new territory shall be added.
- Petition requesting election 4975. If, before the conclusion of the hearing, a petition signed by not less than 15 per cent of the owners in the specified area is filed with the governing body requesting that body to submit the proposition of acquiring or constructing the proposed works to an election of property owners in the area, the governing body shall forthwith call an election in the area for that purpose. The election shall be restricted to the owners of improved real property in the area.
- Conduct of election 4976. If called, the election shall be held and conducted, the votes received and canvassed, and the returns made, determined, and declared, so far as practicable, in accordance with the laws governing the enactment or rejection of city ordinances by means of the initiative or referendum, except that no person is entitled to vote at the election except one owning improved real property in the area.
- Votes 4977. If the question goes to an election each owner of improved real property shall have but one vote regardless of the number of lots or parcels of land owned by him. Where property stands in the name of two or more persons each of them shall have a vote. The vote of corporations shall be cast by its president or secretary, properly authorized in writing.
- Protest by majority 4978. If written protests or objections are filed with the governing body, signed by more than one-half of the owners of improved real property in the area, as the owners are shown on the records of the assessor and the tax collector of the district, no further proceedings shall be taken in the matter

for six months, and not then without the passage of a new resolution of intention.

4979. If protest is not filed by a majority of the owners of improved real property in the area, or if the proposal is not rejected at a referendum election, the governing body acquires jurisdiction to proceed.

(Amended by Stats. 1939, Ch. 1124.)

#### Article 4. Bonds

4985. The cost of the acquisition or construction of the works for which bonds may be issued includes all of the following: Purpose of bonds

(a) The cost of all property, rights, easements, and franchises deemed necessary or convenient therefor.

(b) Engineering, clerical, and legal expense.

(c) All other expenses connected with or incident to the works in the operation and performance of the acts required by this chapter to be done.

4986. Bonds issued and sold under this chapter shall be revenue bonds of the character and form known as "serials." Each bond shall be entitled "sewer revenue bond," and shall be paid and discharged within 40 years from its date. Serial bonds  
Sewer revenue bonds

(Amended by Stats. 1939, Ch. 1124.)

4987. Each bond, except those of the last installment, or one of each annual installment, shall be in multiples of one hundred dollars (\$100), in such amount as the governing body determines, but no bond shall be of greater denomination than one thousand dollars (\$1,000). Denominations

4988. The bonds shall bear interest, as the governing body shall determine, at a rate not to exceed 6 per cent per annum, payable semiannually by coupon. Interest

(Amended by Stats. 1939, Ch. 1124.)

4989. The governing body shall prescribe the form of the bonds, and provide that of the indebtedness represented thereby a part shall be payable each year after their date, at a time and place to be designated in the bonds, together with interest, until the whole of the indebtedness has been paid. Form of bonds

The maturity date of the first bond or series of bonds may be deferred for a period not exceeding five years from the date of the bonds. Maturity

4990. The number of bonds to be paid each year need not be the same, and the governing body may fix maturities so that the number of bonds retired each year will, in the discretion of the governing body, be most equitable and just; however, all bonds shall be completely paid within 40 years from date of issue. Retirement of bonds

Signatures

4991. If the district is a city, the bonds shall be signed by the mayor if there is one; otherwise by the president or chairman of the governing body, and countersigned by the clerk. The seal of the district shall be affixed to the bond. The coupons shall be signed by the treasurer by his engraved or lithographed signature.

If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, his signature or countersignature is nevertheless as valid and sufficient for all purposes as if he had remained in office.

4992. (Repealed by Stats. 1939, Ch. 1124.)

Deficiency  
bonds

4993. If the proceeds of the bonds for any reason are less than the cost of the works, additional bonds may in like manner be issued and sold to provide for the amount of the deficit, but not to exceed the amount necessary to complete the works according to the original plans and specifications. Such deficiency bonds shall be deemed to be the same in all respects as the original issue, and shall be entitled to payment, without preference or priority over the bonds first issued, and shall be disposed of in like manner.

Errors,  
defects, etc.

4994. No error, defect, irregularity, informality, and no neglect or omission of any officer of any district in any proceedings under this chapter, that does not affect the jurisdiction of the governing body to order the doing of the acts proposed to be done, avoids or invalidates the proceedings or any bond. The exclusive remedy of any person affected or aggrieved thereby shall be to the governing body as provided in this chapter.

4995. (Repealed by Stats. 1939, Ch. 1124.)

### Article 5. Powers

Works

5000. Any district may acquire, construct, and operate works within or without its limits.

Property

5001. It may acquire by gift, purchase, condemnation, or otherwise, all lands, rights of way, or other property necessary therefor.

Bonds

5002. It may issue and sell bonds for the acquisition and construction of works.

(Amended by Stats. 1939, Ch. 1124.)

Supervision  
and control

5003. The governing body shall have supervision and control over the construction, acquisition, and operation of the works, and the collection of rates for their use.



5004. The governing body may take all steps and proceedings and make and enter into all contracts or agreements necessary, convenient, or incidental to the performance of its duties or the execution of its powers under this chapter. Contracts

5005. It may employ engineers, architects, inspectors, superintendents, a manager, collectors, attorneys, and such other employees as in its judgment are necessary or convenient in the execution of its powers and duties, and may fix their compensation. Employees

5006. The governing body shall establish rules and regulations for the use of the works, including all sewers and works connected therewith, as may be necessary or expedient to insure the successful operation of the works. Rules and regulations

5007. The governing body shall provide that all public ways or public works damaged or destroyed in carrying out the provisions of this chapter shall be restored or repaired, and placed in their original condition, as nearly as practicable, out of funds provided under this chapter. Public works damaged or destroyed

5008. In the operation of the works, the district may do any or all of the following: Powers

(a) Sell, or otherwise dispose of any water, sewage effluent, fertilizer, or other by-products resulting from the operation of a sewerage system or sewage treatment or disposal plant, and construct, maintain, and operate such pipe lines and other works as may be necessary for those purposes. By-products

(b) Construct, maintain, and operate pipe lines or such other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of the sewerage system, plant, or works by sale or disposition for agricultural or industrial purposes, including irrigation, or by discharging or spreading the water or sewage effluent in such manner as to percolate into the underground gravels and replenish natural water resources. Works

(c) Exercise the power of eminent domain under the Constitution and laws of the State in so far as it may be necessary to carry out the provisions of this chapter. Eminent domain

(d) Make such contracts with the Reconstruction Finance Corporation or other fiscal agency of the United States as are necessary to meet the requirements of the Emergency Relief and Construction Act of 1932. Contracts with United States

5009. Whenever any community in the district is provided with a sewerage system under this chapter the governing body having jurisdiction over that community shall declare the further maintenance or use of cesspools or other local means of sewage disposal to be a public nuisance and shall require all buildings inhabited or used by human beings to be connected with the sewerage system, within 90 days from Requiring connection with sewerage system

completion, if the buildings to be served thereby are within 100 feet of the system.

Work by bids  
or contract

5010. All works acquired or constructed under this chapter where the expense involved exceeds five hundred dollars (\$500), shall be done by contract which shall be awarded to the lowest responsible bidder as provided in this chapter. If the bonds are purchased by the Reconstruction Finance Corporation or other fiscal agency of the United States on condition or request that the governing body have the work performed by day labor instead of by contract, the governing body may comply with the condition or request and the work need not be done by contract.

Compliance  
with Fed-  
eral law  
47 Stat.,  
709

5011. The governing body shall comply with all the conditions and requirements of the Emergency Relief and Construction Act of 1932, respecting the employment of labor, and other matters in connection therewith unless they are in conflict with the Constitution and laws of this State.

Notice invit-  
ing bids

5012. Before awarding any contract for construction of works the governing body shall cause to be published a notice inviting sealed bids for doing it.

The notice shall refer to the plans and specifications on file. It shall be published twice in a daily, semiweekly, or weekly newspaper, published and circulated in the district, and designated by the governing body. If there is no newspaper published in the district, and the district is less than a county, the notice shall be published in a newspaper in the county in which the district is located.

The time fixed for receiving bids shall be not less than 10 days from the first publication of the notice.

Bids accom-  
panied by  
check

5013. All bids shall be accompanied by a certified check payable to the district for an amount that is not less than 10 per cent of the aggregate of the bid. No bid shall be considered unless accompanied by the check.

Opening  
bids

5014. The bids shall be delivered to the clerk. The governing body shall, in open session, publicly open, examine, and declare them.

Rejection  
of bids

5015. The governing body may reject all bids if it deems this for the public good, and shall reject all bids other than the lowest regular responsible bidder, and may award the contract to him at the price named in his bid.

Readvertis-  
ing for bids

5016. If the bids are rejected or if no bids are received, the governing body may readvertise for bids as in the first instance without further proceedings.

Forfeiture  
of deposit

5017. If the successful bidder fails, neglects, or refuses for 20 days after written notice of the award has been mailed

him to enter into the contract to perform the work, the check accompanying his bid, and the amount therein named, shall be declared forfeited to the district, and shall be collected by it and paid into its general fund.

5018. Each contractor shall, at the time of entering into the contract, execute a surety bond to the satisfaction and approval of the governing body in a sum not less than 25 per cent of the amount of the contract, conditioned upon its faithful performance.

Faithful  
performance  
bond

5019. The contract shall provide that the work shall be commenced within 20 days after the contractor has received written notice from the clerk that there is sufficient money or revenue bonds in the special fund provided to pay the contract price.

Commence-  
ment of work

5020. At the time of entering into the contract the contractor shall execute, deliver, and file with the governing body a good and sufficient surety bond, in a sum not less than one-half the total amount payable by the terms of the contract, conditioned upon the payment by the contractor or his subcontractors, for any and all materials, provisions, provender, other supplies, or teams, or the use of implements or machinery used in, upon, or about the performance of the work.

Material-  
men's bond

5021. All provisions of the codes and general laws relating to notice and the foreclosure of such liens are applicable, but suit may only be brought on the bond within six months after the expiration of the period for the filing of verified claims.

Foreclosure  
of lien

5022. In all respects not otherwise provided for in this chapter the bond shall be in conformity with the requirements of the general law of the State regarding contractor's bonds for the benefit of laborers and materialmen, who shall have a first lien against any moneys or bonds due or about to become due the contractor.

Provisions  
of bond

#### Article 6. Finances

5025. All necessary preliminary expenses incurred by the governing body in carrying out this chapter, including the making of surveys, plans, and estimates of costs and revenues, compensation of employees, the giving of notices, taking of options, and all other expenses of whatsoever nature, necessary to be paid prior to the issue and sale of the bonds, may be advanced out of the general fund of the district. The general fund shall be fully reimbursed out of the first money received from the sale of the bonds, and before any other disbursements are made therefrom.

Payment of  
preliminary  
expense from  
general fund



Funds for  
compensation  
of employees  
and other  
expenses

**5026.** All compensation of employees, and all other expenses, incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter.

Use of bond  
funds

**5027.** After reimbursement and repayment to the district of all amounts advanced for preliminary expenses, all money, other than premiums and accrued interest, received from the sale of bonds shall be applied solely to the cost of the works.

Deposit of  
revenues

**5028.** The money received from the collection of the rates, together with any other revenue derived from the operation of the works, shall be deposited in a bank by the treasurer in the same manner that public money is deposited by cities. The money so deposited shall be kept as a separate and distinct fund.

Use of fund

**5029.** This fund shall be applied as follows:

First, for the payment of the cost of management, maintenance, operation, and repair of the works.

Second, for the required payments into the sinking fund.

Third, the governing body may use any surplus remaining in either or both of the following ways:

(a) For the purchase in the open market of its outstanding unmatured bonds at a price not above par and accrued interest, plus an allowance of six months' interest from date of purchase.

(b) For extensions, or for the enlargement, replacement, or betterment of the works.

Sinking fund

**5030.** Upon the issuance of bonds the governing body shall by ordinance create a sinking fund for the payment of the bonds and interest, and shall set aside a sufficient amount of the net revenue of the works, after paying the expense of operation, repair, and maintenance, to provide for all of the following:

(a) The interest upon bonds.

(b) The payment of the bonds.

(c) A margin for safety and for the payment of premiums upon bonds retired by call or purchase, which margin, together with any unused surplus of the margin, carried forward from the preceding year, shall equal 10 per cent of all other amounts required to be paid into the sinking fund.

Payments  
into sink-  
ing fund

**5031.** All money received for premium and accrued interest shall be paid into the sinking fund and used for the purposes for which it was created.

Accounts

**5032.** A district issuing bonds shall install and maintain a proper system of accounts, showing the amount of revenue received and its application. The district shall at least once a year cause the accounts to be properly audited by a com-

Audit

petent auditor. The report of the audit shall be open for inspection at all times by any taxpayer, user of the works, holder of bonds, or any representative of such person.

5033. The treasurer is custodian of the funds derived from income received from the works constructed or acquired under the provisions of this chapter. Treasurer

5034. The treasurer shall give a proper surety bond for the faithful discharge of his duties as custodian, which bond shall be fixed and approved by the governing body. The premium on the surety bond shall be paid by the district. Treasurer's bond

#### Article 7. Rates and Collection

5040. The governing body shall establish just and equitable rates for the use and maintenance of the works, to be paid by the person leasing or occupying the building or premises served thereby or that in any way uses or is served by the works, and may change and readjust the rates from time to time. The rates shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair, replacement, and maintenance of the works, and for payment of the sums required to be paid into the sinking fund. Establishment of rates

5041. The governing body shall establish rates that, beyond all reasonable doubt, will bring in sufficient money to meet the interest and principal on all outstanding bonds as they fall due, in addition to the expense of operation. Amount of rates

5042. Whenever it appears that the rates are insufficient to provide enough money to pay the principal and interest, in addition to the operating expenses, and the governing body neglects or refuses to fix adequate rates therefor, any bondholder may petition the superior court for a writ of mandate to compel the governing body to increase the rates to such an extent as will make them sufficient to provide enough money for those purposes. Court order to fix rates

5043. The governing body may establish variable rates for different classes of users, or for different parts of the area, where all or any portion of the sewage works have been previously installed and financed under other laws or methods, so that the variable rates may be most equitable and just to all concerned. Variable rates

5044. However, the rates may only be imposed and collected from the users of all or any portion of such works as are constructed with money derived from the sale of the bonds. Limitation on rates

5045. If the users of all or any portion of any works previously acquired and financed by other methods receive any additional benefits from the construction or operation of all or Additional rates

any portion of the works subsequently constructed or acquired from the proceeds of the bonds, the governing body may impose reasonable rates on the works previously acquired, but only sufficient to cover the value of the additional benefits.

Hearing 5046. No rates shall be established until after a public hearing, at which all the users of the works and owners of property served or proposed to be served thereby and others interested have opportunity to be heard concerning the proposed rates.

Notice 5047. After introduction of the ordinance, resolution, or order fixing the rate, and before it is finally enacted, notice of the hearing, setting forth the proposed schedule of rates shall be given by one publication in a newspaper published in the district, if there is such a newspaper, but otherwise in a newspaper having general circulation in the district. The notice shall be published at least 10 days before the date fixed in the notice for the hearing. The hearing may be adjourned from time to time.

Adoption of ordinance 5048. After the hearing the ordinance, resolution, or order establishing rates, either as originally introduced or as modified and amended, shall be passed and put into effect.

Copy of schedule 5049. A copy of the schedule of the rates shall be kept on file in the office of the clerk, and shall be open to inspection by any interested person.

Extension of rates to new premises 5050. The rates for any class of users or property served may be extended to cover any additional premises thereafter served which fall within the same class, without the necessity of hearing or notice.

Change of rates 5051. Any change or readjustment of the rates shall be made in the same manner as the rates were originally established.

Penalty for nonpayment 5052. If the rate is not paid when due, on the first day of each calendar month thereafter a penalty of 10 per cent of the amount of the delinquent rate shall be added.

Collection 5053. The rates and penalties may be collected in the following manner:

(a) An action may be brought in the name of the district against the person who occupied the property when the service was rendered for the collection of the amount of the delinquent rate and all penalties. A reasonable attorney's fee shall be awarded the plaintiff.

(b) The governing body may provide that the rates shall be collected with the rates for any other utility service rendered by the district and all the rates shall be itemized, billed upon the same bill, and collected as one item.



5054. The remedies specified for collecting and enforcing rates are cumulative and may be pursued alternatively or may be used consecutively when the governing body so determines. Additional remedies

If any remedy is invalid, all valid remedies shall remain effectual.

5055. Until the principal and interest of the bonds are fully paid any holder of any bond outstanding at any time may compel the use of any or all of the remedies provided in this chapter. Bondholder may compel collection

## Article 8. Leases

5060. Any district owning or operating works may contract with one or more other cities, counties, sanitation districts, or sanitary districts for the use of the works, but only to the extent of their capacity and without impairing their usefulness, upon such terms and conditions as may be fixed and approved by ordinances of the respective contracting entities. Contracts shall not be made for a period of more than 15 years nor in violation of the provisions of the ordinance authorizing the bonds. Contract for use of works

5061. The governing body of the district may by ordinance establish, change, and adjust rates for the service rendered in the lessee-district by the works, against the owners of the premises served, in the manner provided for establishing, changing, and adjusting rates for the service rendered in the district where the works are owned and operated, and the rates constitute a lien on the property served, and shall be collected as provided for rates made by the owner-district. Rates for leased works

5062. The necessary intercepting sewers and appurtenant works for connecting the works of the owner-district with the sewerage system of the lessee-district shall be constructed by the owner-district or the lessee-district, or both, upon such terms and conditions as are set forth in the contract, and the cost or that part of the cost which is to be borne by the owner-district may be paid as part of the cost of the works from the proceeds of the bonds unless otherwise provided by the ordinance. Appurtenant works in leased system

5063. The income received by the owner-district under the contract shall, if so provided in the ordinance, be deemed to be a part of the revenue of the works. The owner-district shall deduct from the whole cost and expenses such part as shall be paid by the lessee-district pursuant to the provision of the contract; but no rates shall be imposed or collected from the users of the works or portions thereof except in cases where the works or portions thereof have been acquired by means of the bonds, and unless additional benefits will be derived by the users as a result of the contract. In Income from leased works

that case the rates shall be only sufficient to cover the value of the additional benefits.

## CHAPTER 6. GENERAL PROVISIONS WITH RESPECT TO SEWERS

### Article 1. Rights of Way for Sewers and Drainage

Abandonment of easements and rights of way 5400. The board of supervisors of a county may vacate or abandon easements for sewage or drainage purposes whenever it determines that they are no longer required for public use.

### Article 2. Sewage Disposal

"Sewage" 5410. "Sewage," as used in this article, includes all of the following:

(a) Sewage, garbage, feculent matter, offal, refuse, and filth.

(b) Any animal, mineral, or vegetable matter or substance, offensive, injurious, or dangerous to health.

"Person" 5411. "Person," as used in this article, also includes city, county, and any district.

Permit to discharge sewage 5412. No person shall, without a permit, discharge sewage into any springs, streams, rivers, lakes, tributaries thereof, wells, or subterranean or other waters used or intended to be used for human or animal consumption or for domestic purposes.

Sewer well or farm 5413. No person shall maintain a sewer well or a sewer farm without a permit.

Sewer permit 5414. No person, without a permit, shall construct, excavate, or maintain, any privy, vault, cesspool, sewage treatment works, sewer pipes or conduits, or other pipes or conduits, for the treatment and discharge of sewage or impure waters, gas, vapors, oils, acids, tar, or any matter or substance offensive, injurious, or dangerous to health, whereby they shall do any of the following:

(a) Overflow lands.

(b) Empty, flow, seep, drain, condense into or otherwise pollute or affect any waters intended for human or animal consumption or for domestic purposes, or any of the salt waters within the jurisdiction of this State.

Alteration or modification permit 5415. No person, without a permit, shall add to, modify, or alter any of the plant, works, or system for, or manner or place of, discharge or disposal of any substance regulated by this article.

Pollution from house, camp, or tent 5416. No person, without a permit, shall construct or maintain any permanent or temporary house, camp, or tent, so near to springs, streams, rivers, lakes, tributaries, or other sources of water supply for domestic or animal use, that the

drainage, seepage, or flow of impure waters, or any other liquids, or the discharge or deposit therefrom of any animal, mineral, or vegetable matter, will pollute the water.

5417. No person, without a permit, shall deposit or discharge into any stream, river, lake, or tributary thereof, or into any subterranean or other waters used or intended to be used for human or animal consumption or for domestic purposes, or into or upon any place the surface or subterranean drainage from which may run or percolate into any such stream, river, lake, tributary, or subterranean or other waters, any sewage, or other substance regulated by this article. Permit to discharge into waters

5418. No person, without a permit, shall deposit or discharge any sewage, trade wastes, or any animal, mineral, or vegetable matter or substance, offensive, injurious, or dangerous to health in any of the salt waters within the jurisdiction of this State. Permit to discharge into salt waters

5419. No person, without a permit, shall maintain a sewer well or sewer farm or permit the overflow of sewerage onto any land whatever. Permit to operate sewer well or to overflow

5420. No person, without a permit, shall construct, excavate or maintain any privy, vault, cesspool, sewage treatment works, sewer pipe or conduits, or other pipes or conduits for the treatment and discharge of sewage or any matter offensive, injurious or dangerous to health. Privy, vault, cesspool, etc.

5421. Any person desiring to secure the permit mentioned in this article may file a petition with the State department. Petition for permit

5422. The petition shall contain a complete and detailed plan, description, and history of the existing or proposed works, system, treatment plant, and of any proposed addition to, modification or alteration of any of the plant, works, or system for, or manner or place of, discharge or disposal of sewage. Contents of permit

5423. The petition shall contain such other information, and be in such form as the State department prescribes. Additional information

5424. At the hearing on the petition witnesses who testify shall be sworn, and evidence, oral and documentary, may be required, a record of which shall be made and filed with the State department. Hearing

5425. The State department shall designate the person or persons to conduct the hearing. Examiner

5426. The State department shall give the petitioner 10 days' notice of the time and place of hearing. Notice

The notice may be served by mail.



Investigation 5427. Upon the filing of a petition that complies with this article a thorough investigation of the proposed or existing works, system, and plant, and all material circumstances and conditions shall be made by the State department.

Necessary facts 5428. The permit shall be issued if the State department after investigation and hearing finds that all of the following are true:

(a) The substance being or to be discharged or deposited, is not such that under all the circumstances and conditions it will so contaminate or pollute any stream, river, lake, tributary, or other waters, as to endanger the lives or health of human beings or animals, or constitute a nuisance.

(b) Under all the circumstances and conditions it is necessary so to dispose of the substance.

(c) The petitioner has complied with all orders of the State department issued under this article.

When permit to be denied 5429. The permit shall be denied if the substance being or to be discharged or deposited is such that under all the circumstances and conditions it may so contaminate or pollute such stream, river, lake, tributary, or other waters or lands on which it may be discharged, deposited, or caused to overflow, as to endanger the lives or health of human beings or animals, or constitute a nuisance, or does or may constitute a menace to public health.

When permit to be denied 5430. The permit shall be denied if under all the circumstances and conditions it is not necessary so to dispose of the substance.

Required changes 5431. In considering the petition the State department may order petitioner to make such changes as it deems proper for the purposes of this article.

Approved person to operate 5432. The permit may be granted only upon the condition that there be appointed a competent person, to be approved by the State department, and to be paid by the petitioner, who shall take charge of and operate the plant or system so as to secure the results demanded by the State department.

Required changes and repairs 5433. The State department may order any necessary repairs, alterations, or additions to any proposed or existing system, plant, and works in order that the sewage or substance being or intended to be discharged or disposed of shall not contaminate or pollute streams or other water supplies, or endanger the lives, health, or comfort of human beings or animals.

Required changes in method 5434. The State department may order changes of method, manner, and place of disposal, and the installation of treatment works in order that streams and other water supplies

will not be polluted or contaminated, and the works and disposal shall not constitute a menace to health of human beings or animals, or a nuisance.

5435. A temporary permit may be issued by the State department for the period necessary to permit compliance with its orders. Temporary permit

5436. The orders shall designate the period within which the desired changes are to be made. Time limit on changes

5437. The permit does not authorize any act forbidden by any provision of law relative to: Acts forbidden

(a) The preservation or propagation of fish or game.

(b) The deposit of debris in streams.

(c) The obstruction of navigation.

5438. This article does not limit the power of any city or county, to declare, prohibit, and abate nuisances, or limit the power of the State department to declare or abate nuisances. Article does not limit abatement of nuisance

5439. No permit shall be granted by the State department for the construction or use of any sewer well extending to or into a subterranean water-bearing stratum that is used or intended to be used as, or is suitable for, a source of water supply for domestic purposes. Not to pollute domestic water

5440. Each holder of a permit shall furnish to the State department upon demand a complete report upon the condition and operation of its system, plant, or works. Report

The report shall be made by a competent person designated for the purpose by the State department, and at the sole cost and expense of the holder of the permit.

5441. The State department may make inspections, examinations, and investigations to determine whether any provision of this article is being violated. Inspections

5442. All permits are revocable by the State department at any time or subject to suspension if it determines, as a fact, that the substance discharged or deposited by virtue of the permit causes or may cause a contamination or pollution of waters or land that does or may endanger the lives or health of human beings or animals, or does or may constitute a nuisance. Revocation of permits

5443. Violation of this article may be enjoined by any court of competent jurisdiction at the suit of any person whose supply of water for human or animal consumption or for domestic purposes is or may be affected, or by the State department. Enjoining violation

**Public nuisance** 5444. Anything done, maintained, or suffered, in violation of any of the provisions of this article is a public nuisance, dangerous to health, and may be summarily abated as such.

**Sewage from boats** 5445. It is unlawful for the owner, tenant, lessee, or occupant of any houseboat or boat intended for or capable of being used as a residence, house, dwelling, or habitation, or agent of such owner, tenant, lessee, or occupant to moor or anchor it or permit it to be moored or anchored in or on any river or stream, the waters of which are used for drinking or domestic purposes by any city, town, or village, within a distance of two miles above the intake or place where the city, town, or village water system takes water from the river or stream. This section does not apply to the mooring or anchoring of a houseboat when necessary, during transportation, for a period of not longer than one day.

### Article 3. Penalties

**Penalty** 5460. Every person who violates any provision of this article, or who fails to obey, observe, or comply with any direction, order, requirement, or demand of the State department, forfeits to the State of California the penal sum of not more than one thousand dollars (\$1,000) to be fixed by the court for each and every offense.

**Continued violation** 5461. The continued existence of any violation of this article for each and every day beyond the time stipulated for compliance with any of its provisions or of any order of the State department as provided in this article constitutes a separate and distinct offense.

**Civil action** 5462. All penalties shall be recovered by the State in a civil action brought by the State and the penalties when collected shall be paid into the General Fund of the State Treasury.

**Fine** 5463. Violation of this article is a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year, or by both.

**Repeated violation** 5464. Each day's violation of this article is a separate and distinct offense.

### CHAPTER 7. EFFECT ON PREVIOUS LAWS

**Effect of repeal of Stats. 1909, p. 1011** 5475. No right or obligation accrued by the formation or operation of a municipal sewer district pursuant to the provisions of Chapter 673, Statutes of 1909, is affected by the repeal of that act, and any district organized may continue in existence and subject to that act.



## DIVISION 6. SANITARY DISTRICTS

Part 1. (Original, Sanitary District Act of 1891, Sections 5500 to 5867, inclusive, repealed by Stats. 1939, Ch. 1124.)

Part 2. (Original, Sanitary District Act of 1919, Sections 5901 to 6347, inclusive, repealed by Stats. 1939, Ch. 1124. See new Part 2 below.)

## PART 1. SANITARY DISTRICT ACT OF 1923

(Originally Part 3. Heading amended by Stats. 1939, Ch. 1124.)

## CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

6400. "District," as used in this part, means a district <sup>"District"</sup> formed pursuant to this part or pursuant to any law which it supersedes.

6401. "Board" or "district board," as used in this part, <sup>"Board"</sup> means the governing board of a district.

6402. "Secretary," as used in this part, means the secre- <sup>"Secretary"</sup> tary of a district.

6403. "Assessor," as used in this part, means the assessor <sup>"Assessor"</sup> of a district.

6404. "Tax collector," as used in this part, means the tax <sup>"Tax collector"</sup> collector of the county in which a district is located.

6405. "Treasurer," as used in this part, means the treas- <sup>"Treasurer"</sup> urer of the county in which a district is located.

6406. "Garbage," as used in this part, shall include all <sup>"Garbage"</sup> of the following: (a) animal, fruit and vegetable refuse; (b) offal; (c) leaves and cuttings, trimmings from trees, shrubs and grass; (d) inorganic refuse and rubbish; (e) anything thrown away as worthless.

(Added by Stats. 1939, Ch. 304. See below.)

6406. (Added by Stats. 1939, Ch. 1124; repealed by Stats. 1941, Ch. 990. See above.)

## CHAPTER 2. FORMATION

## Article 1. Petition

6420. Whenever 25 persons in any county desire the forma- <sup>Petition</sup> tion of a sanitary district within the county, they may sign and present a petition to the board of supervisors of the county.

- Contents of petition    **6421.** The petition shall contain:
- (a) The name of the proposed district.
  - (b) The boundaries of the proposed district.
  - (c) A request that the territory within the boundaries be formed into a district as provided by this part.
- Petitioners    **6422.** Each petitioner shall be a resident and freeholder in the proposed district.
- Verification    **6423.** The petition shall be verified by the affidavit of one of the petitioners.
- Publication of petition    **6424.** The petition shall be published for at least two weeks preceding the hearing in a newspaper of general circulation published in the county.
- Notice of time    **6425.** With the petition there shall be published a notice stating the time when the petition will be presented to the board of supervisors, and that all persons interested may appear and be heard.

## Article 2. Hearing

- Hearing    **6440.** At the time designated the board of supervisors shall hear the petition, and may adjourn the hearing from time to time.
- Modification of boundaries    **6441.** The board of supervisors shall not modify the boundaries of the proposed district as set forth in the petition so as to exclude from the proposed district any land which would be benefited by the formation of the district, nor shall there be included in the proposed district any lands which will not in the judgment of the board be benefited.
- Further notice    **6442.** If the board of supervisors concludes that any land has been improperly omitted from the proposed district and the owner has not appeared at the hearing, it shall continue the further hearing of the petition, and shall order notice given to the nonappearing owner, requiring him to appear before it and show cause, if any he has, why his land should not be included in the proposed district.
- Publication    **6443.** The notice shall be given either by publication in the same manner as the original petition and for the same period, or by personal service on each nonappearing owner.
- Personal service of notice    **6444.** If the notice is given by personal service, it shall be given at least three days prior to the date fixed for the further hearing.
- Continuance of hearing    **6445.** The board of supervisors may grant further continuances, by order entered in its minutes, to the end that a full hearing may be had.

6446. Upon the final hearing of the petition, the board of supervisors, if it approves the petition as originally presented or in a modified form, shall make an order containing: Approval of petition

(a) A description of the exterior boundaries of the proposed district, as determined by the board of supervisors.

(b) The date on which an election will be held in the proposed district.

6447. The order shall:

(a) Fix the day of the election, which shall be within 60 days from the date of the order. Order calling election

(b) State that at the election there shall be elected a district assessor, and five members of the board.

6448. The order shall be entered in the minutes of the board of supervisors, and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signature and presentation of the petition, a resident and freeholder in the proposed district. Entry of order

### Article 3. Election on Formation and for Officers

6460. Except as otherwise specifically provided in this article, the provisions of the chapter of this part on elections govern the election on the question of organizing a district and the election of the first district officers, and the board of supervisors of the county and the county clerk shall perform the duties conferred by that chapter on the district board and its secretary, respectively. Official duties in connection with elections

6461. A copy of the order shall be posted for four successive weeks prior to the election in three public places in the proposed district and shall be published once a week for four successive weeks prior to the election in a newspaper published in the proposed district, if there is one, and if not, in a newspaper published in the county. Posting or publication

6462. At least 15 days prior to the election, the board of supervisors shall select one, and may select two, polling places in the proposed district, and shall make suitable arrangements for the election. Polling places

6463. The ballots shall contain the words, "Sanitary district: Yes," and "Sanitary district: No," or equivalent words, and the names of the persons to be voted for at the election. Ballots

6464. At the election there shall be elected an assessor and the members of the board. Officers elected

6465. If a majority of the votes cast are in favor of formation of the district, the board of supervisors shall make and cause to be entered in its minutes an order that a district of Formation upon election



the name and with the boundaries stated in the order calling the election, setting forth the boundaries, has been established.

The order is conclusive evidence of the fact and regularity of all prior proceedings required by this part or by law, and of the existence and validity of the district.

**Failure to form** 6466. If a majority of the votes cast are against formation of the district, the board of supervisors shall by order entered in its minutes so declare, and no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to the board of supervisors.

### CHAPTER 3. OFFICERS

**Officers** 6480. The officers of the district are an assessor and five members of the board.

**Powers of board** 6481. The board is the governing power of the district, and exercises all district powers, except the making of an assessment roll in the first instance.

**Terms of board members** 6482. Except as to those members of the board who are elected at the election on formation, the term of office of each member of the board is four years and each holds office until the election and qualification of his successors.

**Vacancies** 6483. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by a majority of the remaining members of the board.

**Staggered terms** 6484. The members of the board elected at the election as a result of which the district was organized or, if the district is reorganized under this part, then the five members in office at the time of the reorganization, shall at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that they shall go out of office as follows:

(a) Three shall serve until the election held in the first even-numbered year after the year in which the district is formed or reorganized, and until the election and qualification of their successors.

(b) Two shall serve until the second even-numbered year after the district is formed or reorganized, and until the election and qualification of their successors.

**Time of election** 6485. Elections for members of the board shall be held as follows:

(a) For three members every fourth year beginning with the first even-numbered year after the year in which the district is formed or reorganized.

(b) For two members every fourth year beginning with the second even-numbered year after the year in which the district is formed or reorganized.

6486. At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president, and shall appoint a secretary. President and secretary

6487. All contracts, deeds, warrants, releases, receipts, and documents shall be signed in the name of the district by its president, and countersigned by its secretary. Signatures

6488. The board shall hold such meetings, either in the day or in the evening, as may be convenient. Meetings

In case of the absence or inability of the president or secretary to act, the board shall choose a president pro tem., or secretary pro tem., or both as the case may be.

6489. Each of the members of the board shall receive five dollars (\$5) for each attendance of the meetings of the board. No member of the sanitary board shall, however, receive pay for more than two meetings in any calendar month. The secretary of the sanitary board shall receive the sum of thirty dollars (\$30) per month in lieu of any other compensation to which he may be entitled by reason of attendance at the meeting or meetings of the sanitary board. Compensation

Each member of the sanitary board shall be allowed seven cents (\$0.07) per mile, without any constructive mileage, for his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by rail.

(Amended by Stats. 1939, Ch. 239.)

6490. A general regulation of the board shall be entered in its minutes, and shall be published once in a newspaper published in the district, if there is one, and if not, then it shall be posted for one week in three public places in the district. Publication of regulations

A subsequent order of the board that publication or posting has been made is conclusive evidence that the publication or posting has been properly made.

A general regulation takes effect upon expiration of the week of publication or posting.

6491. Unless otherwise provided by this part, orders not establishing a general regulation need not be published or posted, but shall be entered in the minutes, and the entry shall be signed by the secretary. Entry of orders

It takes effect upon the entry in the minutes.

6492. The board may instruct the district attorney of the county to commence and prosecute any or all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon him for advice as to any sanitary subject; and the district attorney shall obey the instructions and give advice when requested by the board. District attorney

Special  
counsel 6493. The board may at any time employ special counsel for any purpose.

Election of  
assessor 6494. There shall be an election for assessor in each even-numbered year in which members of the board are elected, and at the same time, place, and manner.

The assessor holds office for two years, and until the election and qualification of his successor except that the first assessor elected holds office until the election and qualification of his successor.

If a vacancy occurs in the office of assessor, the board shall appoint a suitable person to fill the vacancy until the next election at which an assessor may be elected under this part.

Duties 6495. The assessor's duties are fixed by this part and he shall perform such other duties as are ordered or required by the board.

Compensation 6496. The assessor shall receive such compensation as shall be fixed by the board.

## CHAPTER 4. DISTRICT POWERS

### Article 1. Generally

Seal 6510. A district may use a seal, alterable at the pleasure of the board.

Power to  
sue and  
be sued 6511. It may sue and be sued by its name.

Garbage  
dump,  
sewers, etc. 6512. It may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate such garbage dump sites, sewers, drains, septic tanks, and other drainage, garbage, and sewage disposal systems as in the judgment of the board shall be necessary and proper, and in the performance of these functions, either in or out of the district, it may join with any other district, municipality or any other governmental agency.

Approval  
of garbage  
dump site Before any garbage dump shall be established the location shall first be approved by the county health officer, and in addition, if the location is within two miles of any city the consent of the governing body of the city shall first be secured.  
(Amended by Stats. 1939, Ch. 304.)

Use of  
property  
by other  
agencies 6513. It may permit the use of any property of the district by any other district, municipality, or other governmental agency.

Acquisition  
of property 6514. It may, for the purposes specified in this part, acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the board are necessary or proper to the



exercise of its powers, and particularly for the purpose of permitting ingress to and egress from such real or personal property, and pay for and hold them.

(Amended by Stats. 1939, Ch. 304.)

6515. It may make and accept contracts, deeds, releases, and documents that, in the judgment of the board, are necessary or proper in the exercise of any of the powers of the district. Contracts

6516. It may pay lawful claims and demands against it. Payments

6517. It may employ and pay necessary agents and assistants. Employees

6518. It may lay its sewers and drains in any public street or road in the county, and for this purpose enter upon it and make all necessary and proper excavations, restoring it to proper condition; but if the street or road is in a city the consent of the proper city authorities shall first be obtained. Sewers in public ways

6518.5. It may collect waste and garbage. Collect waste and garbage  
(Added by Stats. 1939, Ch. 303.)

6519. It may call and conduct all necessary or proper elections. Elections

6520. It may compel all residents and property owners in the district to connect their houses and habitations with the street sewers, drains, or other sewerage disposal system. Power to compel use of sewers

6521. It may make and enforce all necessary and proper regulations for: Regulations

(a) The removal of garbage.

(b) The cleanliness of the roads and streets of the district.

(c) All other sanitary purposes not in conflict with the laws of this State.

6522. It may do any act necessary or proper to the complete exercise and effect of any of its powers, or for the purposes for which it is formed. Other powers

6523. A violation of a regulation or ordinance of a district is a misdemeanor punishable by fine not to exceed one hundred dollars (\$100), imprisonment not to exceed one month, or both. Penalty

## Article 2. Sewer Maintenance in Cities

6530. At any time after the sewer or other sanitary system is constructed the governing body of any city lying within the limits of the district may elect to keep and maintain the lateral sewer lying within the city in order and repair and may enter into an agreement with the board to do so. Contract with city

From the date of the agreement the governing body shall keep the lateral in repair and the board is not required to keep it in order or repair.

After a city elects to keep the lateral sewers within its corporate limits in order and repair the property within the corporate limits of the city shall not be taxed for running expenses except for the inspection and repairs of the main sewers lying within the city.

### Article 3. Application of Other Statutes

Assessment  
of costs  
against  
fronting lots  
or districts

6540. Except as to State highways where the State Highway Engineer refuses to issue a permit, with the consent of the legislative body having jurisdiction of the territory within which it is proposed so to do, expressed by resolution of such governing body, the board may order the construction of sewers and appurtenances in the whole or any portion of any of the streets, highways, or public places of the district, or in property or in rights of way owned by the district, and acquire property, rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or on a special district.

(Amended by Stats. 1939, Ch. 303, Ch. 566 and Ch. 1124.)

Applicable  
statutes

6541. The Improvement Act of 1911, the Street Opening Act of 1903, and the Improvement Bond Act of 1915 are applicable to districts.

(Amended by Stats. 1939, Ch. 566 and Ch. 1124.)

6541.5. The Street Improvement Act of 1913 is applicable to districts.

(Added by Stats. 1939, Ch. 303; amended by Stats. 1941, Ch. 1072.)

Terms in  
applicable  
statutes

6542. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

- (a) "City council," and "council," mean board.
- (b) "City," and "municipality," mean district.
- (c) "Clerk," and "city clerk," mean secretary.
- (d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties.
- (e) "Tax collector," means county tax collector.
- (f) "Treasurer," and "city treasurer," mean any person or official who has charge of and makes payment of the funds of the district.

(g) "Right of way," means any parcel of land through which a right of way has been granted to the district for the purpose of constructing and maintaining a sewer.

Powers of  
officers

6543. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities

shall be exercised by the respective boards, officers, and agents of the district.

6544. The improvements authorized to be constructed or acquired by this article are restricted to those permitted to be constructed or acquired by such districts under Article 1 of this chapter. Restriction

(Added by Stats. 1941, Ch. 1072.)

6545. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory. Lien

(Added by Stats. 1941, Ch. 1072.)

## CHAPTER 5. ELECTIONS

### Article 1. Generally

6560. The election on the question of formation of a district and all district elections shall be conducted as nearly as practicable in accordance with the general laws, except that the requirements as to the form of ballots and the nomination of candidates do not apply. Conduct of elections

6561. Every voter resident within the district or a proposed district for the period requisite to enable him to vote at a general election, is entitled to vote at district elections. Voters in district

6562. At an annexation election every qualified voter resident in the district or in the territory proposed to be annexed for the length of time necessary to enable him to vote at a general election may vote. Voters in annexation election

6563. At district elections the last great register of the county shall be used, and any person otherwise entitled to vote whose name is not upon the register is entitled to vote upon producing and filing with the election board a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of the county. Registration

6564. For elections of officers the board shall select one, and may select not more than five, polling places in the district. Polling places in election for officers

6565. For all other elections the board shall select one, and may select two, polling places in the district, and, in case of an annexation election, in the district proposed to be annexed. Polling places in annexation election



- Officers of elections 6566. For all elections the board shall appoint one inspector and two judges of the election for each polling place, and make all necessary and proper arrangements for holding the election.
- Election board 6567. These election officers constitute the election board.
- Absent election board 6568. If no election officers are appointed, or if those appointed are not present at the time of the opening of the polls, the voters present may appoint them and they shall conduct the election.

## Article 2. Election of Officers

- Date of elections 6580. All elections of officers, after the formation of the district shall be held on the first Monday after the second Tuesday in September.
- Notice 6581. Not less than 20 days before the day of the election the board shall give notice of the election by posting notices in three public places in the district.  
The notices shall specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected.
- Nomination by petition 6582. The name of a candidate shall be printed on the ballot, when a nominating petition has been filed with the secretary.
- Signatures on petition 6583. The nominating petition shall consist of not less than five nor more than 20 signatures.
- Form of petition 6584. It shall read substantially as follows:

### NOMINATING PETITION

State of California. }  
County of----- } ss.

I (or we) the undersigned certify that I join in a petition for the nomination of ----- for the office of ----- of the sanitary district (naming it) ----- to be voted for at the election on the ----- day of -----, 19---. I am a qualified elector, residing in the district. I am not at this time a signer of any other petition nominating any other candidate for the office, or in case there are several places to be filled in the same office I have not signed more petitions than there are places to be filled in the office.

(Signed)-----

State of California. }  
County of----- } ss.

-----being first duly sworn deposes and says: That he is one of the persons who signed the foregoing petition and

that the signatures are the signatures of the persons whose names they purport to be.

6585. The nominating petition may be upon one or more sheets of paper. One or more sheets

Each petition shall contain the name of only one candidate. One candidate

6586. Each signer shall be a qualified elector, residing in the district, and shall not at the time of the signing have his name signed to any other petition for any other candidate for the same office, nor in case there are several places to be filled in the same office, signed to more petitions for that office than there are places to be filled for that office. Signers

6587. The petitions shall be verified under oath of one of the signers, that the signatures are the signatures of the persons whose names they purport to be. Verification

6588. A nominating petition may be presented to the secretary not earlier than 30 nor less than 20 days before the election. When filed

6589. The date upon which the petition is presented shall be indorsed on it by the secretary. Indorsement of date on petition

6590. When a petition is presented for filing the secretary shall forthwith examine it and ascertain whether or not it conforms to this part. Examination of petition

If found not sufficient it shall be returned to the person who presented it.

6591. The secretary shall cause the ballots to be printed and they shall contain the names of the candidates whose petitions have been filed as provided in this part. Ballots to be printed

6592. Where a district has not already been formed the county clerk shall perform the duties of the secretary concerning nominations. County clerk's duties

6593. The election board shall publicly canvass the votes immediately after the closing of the polls, and shall certify the result to the board within 24 hours after the closing of the polls. Canvass

Within five days after the election the board shall canvass the returns, and shall deliver a certificate of election to each person elected.

### Article 3. Bond Elections

6610. Notice of bond elections shall be given by posting notices, signed by not less than a majority of the board, in Notice of bond election

three public places in the district, not less than 20 days before the election, and by publishing the notice not less than once a week for three successive weeks before the election in a newspaper printed and published in the district, if there is one, and if not, in a newspaper printed and published in the county.

Contents  
of notice

**6611. The notice shall contain:**

(a) Time and place of holding the election.

(b) The names of the officers of election appointed to conduct it.

(c) The hours during the day in which the polls will be open.

(d) A statement of the purpose for which the election is held.

(e) The amount and denomination of the proposed bonds, the rate of interest and the number of years, the whole or any part of the bonds are to run.

Ballot

**6612. The vote shall be by ballot, without reference to the general law in regard to form of ballot.**

The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the person voting at the election shall put a cross (+) upon his ballot after the "Yes" or "No" to indicate whether he has voted for or against the bonds.

Canvass

**6613. After the votes have been announced the ballots shall be sealed and delivered to the secretary or president of the board, which board shall on the seventh day after the election, at 8 o'clock p.m., meet and canvass them and enter the returns in its minutes.**

The entry is conclusive evidence of the fact and regularity of all prior proceedings, and of the facts stated in the entry.

#### Article 4. Annexation Elections

Notice of  
election

**6625. Notice of an annexation election shall be given by posting a copy of the order calling the election for four successive weeks prior to the election, in three public places within the district and the territory proposed to be annexed, and by publication once a week for four successive weeks prior to the election in a newspaper published in the district, if there is one, and if not, in a newspaper published in the county.**

Ballot

**6626. The ballot shall contain the words, "For annexation to the sanitary district," and "Against annexation to the sanitary district," and there shall be a voting square to the right of and opposite each proposition.**

Canvass

**6627. After the votes have been announced the ballots shall be sealed and delivered to the secretary or president, and the board shall, as soon as practicable proceed to canvass them.**



6628. Immediately upon the completion of the canvass the board shall cause a record to be made and entered upon its minutes showing the number of votes cast in the district, the number of votes cast in the territory proposed to be annexed, the number of votes cast in each in favor of annexation, and the number cast in each against annexation. Entry of result

## CHAPTER 6. BONDS

### Article 1. Generally

6640. A district may issue bonds as provided in this part. Authority

6641. A district may issue bonds to raise money for: (a) Purposes  
The acquisition, construction, reconstruction, alteration, laying, renewing, replacing, or enlargement of garbage dump sites, sewers, drains, or septic tanks or other garbage, drainage or sewer systems, whether it is for a system of the same nature as or of a different nature than the system already installed or constructed for the disposal of garbage or sewage. (Amended by Stats. 1939, Ch. 304.)

6642. By order entered in its minutes, when in its judgment it is advisable, the board may and shall, upon a petition of a majority of the qualified electors residing in the district, call an election and submit to the electors of the district the question whether bonds shall be issued. Order calling election

6643. The order calling the election shall be signed by two-thirds of the members of the board, and may submit as one proposal the question of issuing bonds to make all of the outlays, or so many of them as may be selected, or the order may submit at the election as separate questions the issuance of bonds for any of the outlays singly or in combination. Requirements of order

6644. If, at the election, two-thirds of the votes cast are in favor of the issuance of bonds, the board may issue and dispose of the bonds as proposed in the order calling the election. Two-thirds vote required

6645. Bonds issued by the district under the provisions of this part shall be of such denominations as the board determines, except that no bonds shall be of a denomination less than one hundred dollars (\$100), or greater than one thousand dollars (\$1,000). Denomination of bonds

6646. The bonds shall be payable in lawful money of the United States at the office of the treasurer and bear interest at a rate not exceeding 6 per cent per annum, payable semi-annually in like lawful money. Rate of interest

**Annual payments** 6647. Not less than one-fortieth part of the total issue of bonds shall be payable each year, on a day to be specified by the board.

No bonds shall be payable in installments, but each shall be payable in full on the date specified therein by the board.

The board may provide that all bonds issued by the district may be subject to retirement at any time prior to maturity.

(Amended by Stats. 1939, Ch. 304.)

**Signatures** 6648. Each bond shall be signed by the president and countersigned by the secretary.

**Coupons** The bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond.

**Sale** 6649. The bonds shall be disposed of by the board in such manner and in such quantities as may be determined by it in its discretion.

No bond may be disposed of for less than its face value.

**Term of bonds** 6650. The term of bonds issued shall not exceed 40 years.

**Bond limit** 6651. The outstanding bonds of the district shall not at any one time exceed 15 per cent of the assessed value of the real and personal property in the district.

**Bonds defeated at election** 6652. If the result of any bond election is against the issuance of bonds, no other election upon the question shall be called or held for one year.

**Determination of validity of bonds** 6653. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, before issuance, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by "The California Irrigation District Act," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable.

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

## Article 2. Sewers for Annexed Territory

**Bonds for sewers in annexed territory** 6660. At any time after the annexation of territory, the board may issue bonds for the construction of sewers therein in the same manner and for the same purposes as in any other part of the district, except, only qualified electors resident within the annexed territory are entitled to petition or vote in the proceedings.

6661. The provisions of this part with reference to bonds for sewers in annexed territory do not limit the powers or alter the procedure provided for the issuance of bonds by an entire district and payable out of taxes levied upon all taxable property whether the boundaries of the district remain as originally established or have been altered by annexation.

Provisions  
are supple-  
mentary

### Article 3. Reconstruction Bonds

6670. Whenever the board shall by order passed by a vote of two-thirds of all its members, approved by the president, and entered in the minutes, determines that the public interest or necessity of the district demands the construction of a larger main sewer or a different system, it may call an election for the purpose of determining whether bonds shall be issued for the determined purpose.

Bonds for  
new or larger  
system

The proceedings in respect to the issuance of bonds for the determined purpose shall in every respect, except as otherwise provided in this section, conform to the requirements of this part with reference to bonds for original construction.

### Article 4. Exchange of Bonds

6680. After a district organized under the Sanitary District Act of 1891, or Chapter 161, Statutes of 1891, has been reorganized under this part the entire amount of bonds issued by it under either act may be presented by the holder to the board, and there shall be issued in exchange to the holder, by the board, bonds issued in accordance with this part for the various amounts of the bonds surrendered.

Exchange of  
bonds upon  
reorgani-  
zation

6681. The new bonds shall be payable as nearly as practicable at the same time as the installments on the old bonds and in equal amounts.

Installments

Interest on the new bonds shall be paid at the same time and rate as on the old bonds.

Interest

The amount of the new bonds payable in any one year shall equal the amount of the installments on the old bonds payable in that year.

Annual  
amount  
payable

6682. The expenses of the exchange shall be borne by the holder of the bonds presented for exchange.

Expense of  
exchange

6683. After the exchange the old bonds shall be canceled by punching holes in the signatures, and shall be retained by the county treasurer.

Cancellation  
of old bonds

### Article 5. Refunding Bonds

(Article 5 added by Stats 1939, Ch. 304.)

6690. The board may cause refunding bonds to be issued for the purpose of refunding any or all outstanding bonds of the district.

Power to  
issue refund-  
ing bonds

(Added by Stats. 1939, Ch. 304.)



**Purpose of refunding bonds** 6691. Refunding bonds shall be issued and delivered only when the bonds to be refunded have matured or are about to mature or are subject to retirement before maturity, or, if the outstanding bonds are not subject to retirement the retirement thereof shall have been assured or obtained by consent of the holders thereof.

(Added by Stats. 1939, Ch. 304.)

**Manner and form** 6692. Except as otherwise provided in this article, refunding bonds shall be issued in substantially the manner and form prescribed for the issuance of other bonds under this part and the provisions of this part concerning the authorization, certification, issuance, and sale of bonds shall be applicable to bonds issued under this article.

(Added by Stats. 1939, Ch. 304.)

**Election** 6693. The board desiring to refund any of its bonds may formulate a proposed plan for that purpose and shall call an election for the purpose of authorizing the issuance of such refunding bonds.

The election shall be called and held and the result thereof determined and declared substantially in the same manner as provided by this part for the issuance of other bonds of the district.

(Added by Stats. 1939, Ch. 304.)

**Majority vote** 6694. Only a majority vote shall be required to authorize the issuance of refunding bonds.

(Added by Stats. 1939, Ch. 304.)

**Maturity date** 6694.1. The maturity date of refunding bonds shall be fixed by the board but in no case shall the maturity of any such bonds be more than 40 years from the date thereof.

(Added by Stats. 1939, Ch. 304.)

**Interest** 6694.2. The rate of interest on refunding bonds shall not exceed 6 per cent per annum payable semiannually.

(Added by Stats. 1939, Ch. 304.)

**Amount** 6694.3. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of the bonds to be refunded thereby and in addition all expenses incidental to the calling, retiring or payment of such outstanding bonds and the issuance of such refunding bonds.

(Added by Stats. 1939, Ch. 304.)

## CHAPTER 7. FINANCES AND TAXATION

### Article 1. Generally

**Tax limit** 6695. Except as otherwise provided in this part, no more than forty cents (\$0.40) on each one hundred dollars (\$100) assessed valuation shall be levied for all the district purposes

in any one year, besides what is required for the payment of the bond principal and interest for that year.

(Amended by Stats. 1939, Ch. 1059.)

6696. The board may prescribe the time and manner of assessing, levying, and collecting taxes for district purposes, except as otherwise provided in this part.

When board  
may pre-  
scribe  
methods

6697. District taxes may be assessed, levied, and collected for any or all of the following purposes:

Purposes  
of tax

(a) To pay the principal and interest of the bonds issued by it.

(b) To pay the cost of acquiring and maintaining any garbage dump site which may be acquired, and the cost of laying and the expense of maintaining any sewer that may be constructed subsequent to the issuance of the bonds.

(c) To pay any lawful claims against the district.

(d) To pay the running expenses of the district.

(Amended by Stats. 1939, Ch. 304.)

6698. The board shall annually levy a tax upon the taxable property in the district sufficient to pay the interest on bonds for the year, and such portion of the principal as is due or is to become due during the year, so that the entire amount of principal and interest of the bonds shall be paid at or before maturity, and in any event within 40 years of the date of issuance of the bonds.

Amount  
of tax

6699. If any portion of the interest or principal due for any year remains unpaid, it shall be added to the levy for the next year, and shall be collected and paid accordingly.

Unpaid  
interest or  
principal

6700. The payment of the principal and interest of all bonds, within 40 years from their issuance, is the obligation of the district; and, if necessary to accomplish that purpose, a special tax shall be levied.

Forty-year  
bond limit

Special tax

6701. Taxes for the payment of the principal and interest of bonds for sewers in annexed territory shall be limited to the taxable property in the annexed territory.

Property  
taxable for  
sewers in  
annexed  
territory

## Article 2. Assessment by District Assessor

6715. Between the first Mondays in March and July annually the assessor shall assess all taxable property in the district to the persons by whom it was owned or claimed, or in whose possession or control it was at 12 o'clock noon of the first Monday in March next preceding.

Assessment  
by district  
assessor

6716. No mistake in the name of the owner of any property, or any informality in the description or in other parts of the assessment, shall invalidate the assessment.

Mistakes

**Verification and deposit of roll** 6717. The assessor shall verify his assessment roll, and shall deposit it with the board on the first Monday in July in each year, or as soon thereafter as is practicable.

**Applicable laws** 6718. All the provisions of law relating to assessment of property by county assessor shall, so far as applicable, apply to and govern the acts of the assessor in the assessment of taxable property in the district.

### Article 3. Equalization of Assessments by District Assessor

**Board of equalization** 6730. Annually, on the first Monday of July at 7.30 p.m. the board shall meet as a board of equalization.

**To proceed if roll returned** 6731. If the district assessor has returned the assessment roll for the year the board shall proceed to equalize the assessments.

**Adjournment** 6732. If the assessment roll has not been returned by the district assessor the board shall adjourn from day to day until the roll has been returned, and for the purpose of adjournment one or more of the members of the board present may make and announce the adjournment.

**Duty to equalize** 6733. When the assessment roll is returned by the district assessor, the board shall equalize the assessments, and the board shall continue in session as a board of equalization with reasonable intermissions until the roll has been examined, rectified, and equalized.

**Hearings** 6734. The board may hear complaints as to the proceedings of the district assessor and adjudicate and determine the controversy. It may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board.

**Modification**

### Article 4. Levy of Tax

**Fixing of rate** 6745. After the equalization of the assessments has been completed, the board shall, by resolution, fix the rate of taxation for district purposes, designating the number of cents on each one hundred dollars (\$100) to be levied for each fund and shall designate the fund into which the proceeds shall be paid.

**Computation of tax** 6746. After the entry in the minutes of the resolution fixing the rate of the tax the board shall cause the district assessor to compute the amount of the tax upon each item of real and personal property, and enter the amount on the assessment roll.



6747. When completed, the roll shall be verified by the district assessor and signed by the president and secretary. Signatures

The amount of the tax then is a lien on the property against which it is assessed, and has the effect of a judgment against the owner. Tax lien

The lien has the force and effect of an execution duly levied against all the property of the delinquent, and is not satisfied and the lien is not extinguished until the taxes are paid or the property sold to satisfy them. The statute of limitations shall not apply.

### Article 5. Collection

6760. As soon as practicable, but not later than the third Monday in August, after the taxes have been computed and extended on the assessment roll, verified by the district assessor and signed by the president and secretary of the board, the board shall transmit, or cause the district assessor to transmit, the roll or a duplicate to the tax collector of the county. Roll transmitted to tax collector

6761. The tax collector shall collect the taxes shown to be due, in the same manner as he collects the county taxes. Collection

6762. All the provisions of the laws of the State as to the collection of taxes and delinquent taxes, and the enforcement of their payment, so far as applicable, apply to the collection of district taxes. Applicable laws

6763. The board may direct the district attorney of the county to commence and prosecute suits for the collection of the whole or any portion of the delinquent taxes. Collection by district attorney

The district attorney shall carry out such directions of the board.

The district attorney and the sureties on his official bond are responsible for the due performance of the duty imposed upon him by this part.

6764. All money collected for district purposes by the district attorney under this part shall be at once paid to the treasurer. Remittance by district attorney

6765. The board may at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection. Collection system

6766. The tax collector shall immediately pay to the treasurer all money collected by him for district purposes and the treasurer shall keep it in the county treasury as provided in this part. Remittance by tax collector

6767. The tax collector and the sureties on his official bond are responsible for the due performance of the duties imposed upon him by this part. Official bond

## Article 6. Use of County Assessor's Roll

**Authority to use county assessment** 6780. The board may elect to avail itself of the assessment made by the assessor of the county in which the district is situated, and may take that assessment as the basis for district taxation.

**Resolution of intention** 6781. The board shall declare its election by resolution and shall file a certified copy with the auditor and the assessor of the county on or before the first Monday in February of the year in which the district proposes to use the county assessment roll.

Until the board by resolution elects otherwise all taxes shall be levied by the board of supervisors of the county in which the district is situated and collected by the county assessor and tax collector of the county.

(Amended by Stats. 1939, Ch. 1059.)

**Statement of assessed value** 6782. Following the board's election, the county auditor shall before July 20th of each year transmit to the board a written statement showing the total value of all property in the district, which value shall be ascertained from the assessment roll used by the county for that year.

(Amended by Stats. 1939, Ch. 1059.)

**Fixing rate of tax** 6783. The board shall then, on or before July 20th, estimate the amount of money needed and fix the rate of taxation for district purposes and for the payment of the principal and interest of that year upon outstanding bonds and the payment of the principal and interest that the board believes will become due during the year on bonds authorized but not sold.

(Amended by Stats. 1939, Ch. 1059.)

**Designation of amount for each fund** 6784. The board shall designate the number of cents on each one hundred dollars (\$100) to be levied for each fund and the fund into which the proceeds shall be paid, using as a basis the value of property as assessed on the county roll.

**Board to transmit statement of rate fixed** 6785. When so determined, the board shall certify to the board of supervisors of the county in which the district is situated the amount of money needed and the rate of taxation fixed. The board of supervisors shall thereafter levy a tax at the rate certified upon all taxable property in the district, at the time of making the levy of county taxes for the particular year.

(Repealed and added by Stats. 1939, Ch. 1059.)

**Computation of tax** 6786. The auditor shall then compute and enter in a separate column in the county assessment roll the respective sums to be paid as a district tax on the property in the district, using the rate of levy as fixed by the board and the assessed value as found on the assessment roll.

The taxes shall be collected at the same time and in the same manner as county taxes are collected, and when collected shall be at once paid to the treasurer. Collection of tax

(Amended by Stats. 1939, Ch. 1059.)

6787. The taxes are a lien on all the property in the district, and the taxes, whether for the payment of a bonded indebtedness, or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for the enforcement of liens for county taxes. Tax lien

## Article 7. Funds

6790. In a fund called the "bond fund of sanitary district" (naming it) the treasurer shall keep the money levied by the board for that fund. Bond fund

6791. No part of the money in the bond fund may be transferred to any other fund or be used for any purpose other than the payment of the principal and interest of the bonds of the district, and for the retirement of bonds that have been issued by a district that formerly formed a part of the district while any bonds are unpaid. Use of bond fund

6792. In a fund called the "running expense fund of ----- Sanitary District" (naming it) the treasurer shall place and keep the money levied by the board for that fund. Running expense fund

6793. The whole or any part of the money in the running expense fund shall be transferred to the bond fund, or to any other fund provided for in this part, on the order of the board. Transfer of funds

6794. The treasurer shall pay out money of the district only upon the written order of the board, signed by the president and countersigned by the secretary. Payments

The order shall specify the name of the person to whom the money is to be paid, the fund from which it is to be paid, and shall state generally the purpose for which the payment is to be made.

The order shall be entered in the minutes of the board.

6795. The treasurer shall keep the order as his voucher, and shall keep a specific account of receipts and disbursements for the district. Accounts

6796. The proceeds of the sale of bonds shall be deposited with the treasurer and shall be by him placed in the fund to be called the "sewer construction fund of ----- Sanitary District" (naming it). Sewer construction fund



Use of sewer construction fund 6797. The money in the sewer construction fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose, but, if after those purposes are entirely fulfilled any balance remains in the fund, the balance may, upon the order of the board, be transferred to either of the other funds provided by this part.

Disposition of fines 6798. All fines for the violation of any regulation or order of the board shall, after the expenses of the prosecution are deducted, be paid to the secretary, who shall forthwith deposit them with the treasurer, who shall place them in the running expense fund of the district.

Official bonds 6799. The county treasurer and sureties upon his official bond are liable for the due performance of the duties imposed upon him by this part.

Purchase of unmatured bonds 6800. Notwithstanding the provisions of any other section of this article, the board may, out of any surplus funds remaining in the bond fund, the running expense fund or the sewer construction fund, purchase in the open market its outstanding unmatured bonds.

No bonds shall be purchased at a price above par and accrued interest plus an allowance of six months interest from the date of purchase. All bonds so purchased shall be canceled.

(Added by Stats. 1939, Ch. 304.)

#### CHAPTER 8. REORGANIZATION

Reorganization 6810. A district organized under Chapter 161, Statutes of 1891, or under the Sanitary District Act of 1919 may be reorganized as a district under this part.

Petition to reorganize 6811. To effect the reorganization a petition, signed by not less than 25 residents and freeholders within the district, and also by a majority of the members of the district board, shall be presented to the board of supervisors.

Contents of petition 6812. The petition shall be verified by at least one of the petitioners in the manner prescribed by law for the verification of pleadings, and shall set forth the boundaries and name of the district and pray that it be reorganized under this part.

Publication 6813. The petition shall be published for at least two weeks preceding the hearing in a newspaper of general circulation published in the county, together with a notice stating the time when the petition will be presented to the board of supervisors, and that all persons interested may appear and be heard.

6814. At that time the board of supervisors shall hear the Hearing  
petition.

The board of supervisors shall not modify the boundaries of Modification of bound-  
aries  
the district as set forth in the petition so as to exclude from  
the district any land which would be benefited by the reor-  
ganization of the district under this part, nor shall any lands  
which will not in the judgment of the board of supervisors  
be benefited by the reorganized district be included within  
the district.

6815. If the board of supervisors finds, upon the final Findings  
hearing of the petition, that the statements therein are correct  
the board shall make an order approving the petition, describ-  
ing the boundaries of the territory included within the dis-  
trict, and declaring that the territory is organized as a district  
under this part.

6816. From and after the making of the order of reorgani- Order of re-  
organization  
zation by the board of supervisors, the district is organized  
under this part with all the powers conferred by this part.

The persons in office at the time of the reorganization are Officers  
entitled immediately to enter upon the duties of the like offices  
of the reorganized district and shall continue to serve until  
the election and qualification of their respective successors in  
accordance with this part.

6817. A district reorganized under this part is for all pur- Effect of re-  
organization  
poses the district previously existing.

6818. Reorganization shall not affect or impair the title Effect on  
property  
to any property owned or held by or in trust for the district,  
or any debt, demand, liability, or obligation existing in favor  
of or against the district, or any proceeding then pending.

6819. Reorganization shall not operate to repeal or affect Reorganiza-  
tion not  
to affect  
rights and  
liabilities  
in any manner any ordinance previously passed or adopted  
and remaining unrepealed, or to discharge any person from  
any liability then existing for any violation of the ordinance.  
Proceedings commenced before reorganization shall, after reor-  
ganization, be conducted in accordance with this part.

## CHAPTER 9. ANNEXATION

### Article 1. Generally

6830. In the manner provided in this part, there may be Territory  
annexed to a district any of the following territory which is  
in the same county as the district:

(a) Any territory contiguous to the district.

(b) Any territory separated from the district by a "separating barrier," which term includes a street, road, highway, railway line, railway crossing, railway right of way, water course, lagoon, or other natural barrier.

Any territory specified in this section may consist of one or more separate parcels of land, but it is not necessary that all parcels shall constitute in the aggregate one tract of land.

(Amended by Stats. 1941, Ch. 5. In effect January 24, 1941, to September 12, 1941, inclusive; see below.)

**Territory** 6830. In the manner provided in this part, there may be annexed to a district any of the following territory which is in the same county as the district:

(a) Any territory contiguous to the district.

(b) Any territory any point of which touches any point of the district.

(c) Any territory separated from the district by a "separating barrier," which term includes a street, road, highway, railway line, railway crossing, railway right of way, water course, lagoon, or other natural barrier.

Any territory specified in this section may consist of one or more separate parcels of land, but it is not necessary that all parcels shall constitute in the aggregate one tract of land.

(Amended by Stats. 1941, Ch. 225. In effect from September 13, 1941; see above.)

## Article 2. Annexation by Election

**Petition** 6840. A petition signed by 25 per cent of the freeholders residing in the territory proposed to be annexed as shown by the last equalized assessment roll of the county, shall be presented to the board.

**Requirements of petition** 6841. The petition shall designate specifically the boundaries of the territory proposed to be annexed, and its assessed valuation as shown by the last equalized assessment roll; shall state that the territory is not within the limits of any other sanitary district; and shall ask that the territory be annexed to the district.

**Expense bond** 6842. The petition shall be accompanied by a bond in the sum of not less than one hundred dollars (\$100), to be approved by the board and filed with the secretary as security for the payment by the petitioners of the reasonable costs of the election on annexation, in the event that at the election less than a majority of the votes cast are in favor of annexation.

**Verification** 6843. The petition shall be verified by the affidavit of one of the petitioners.



6844. The petition shall be published for at least two weeks preceding its hearing in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county, together with a notice stating the time when the petition will be presented to the board and that all persons interested may appear and be heard. Notice

6845. At the time specified for the hearing the board shall hear the petition and may adjourn the hearing from time to time. Hearing

6846. The board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any land that would be benefited by the annexation of the territory to the district, nor shall any lands that will not be benefited by annexation to the district be included within the boundaries of the territory proposed to be annexed. Modification of boundaries

6847. Upon the final hearing of the petition the board, if it approves the petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the territory proposed to be annexed and ordering that an election be held for the purpose of determining whether or not the territory shall be annexed to the district. Order calling election

6848. The order shall fix the day of the election, which shall be within 60 days from the date of the order, and shall show the boundaries of the territory proposed to be annexed to the district. Order to set date and show boundaries

6849. This order shall be entered in the minutes and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing and presentation of the petition qualified to sign. Effect of entry of order

6850. If a majority of the votes in the district and a majority of the votes in the territory proposed to be annexed, are in favor of annexation the secretary shall make and cause to be entered in the minutes and indorsed on the petition an order approving the petition, and the petition shall be transmitted to and filed with the board of supervisors. Order approving petition after election

6851. The entry is conclusive evidence of the fact and regularity of all prior proceedings of every kind required by law, and of the facts stated in the entry. Effect of order approving petition

**Order of annexation** 6852. The board of supervisors, at its next regular meeting after filing of the petition, shall by an order alter the boundaries of the district and annex to it the territory described in the petition.

**Effect of order of annexation** 6853. The order of the board of supervisors is conclusive evidence of the validity of all prior proceedings leading up to the annexation and recited in the order, and from and after the order the territory is a part of the district.

**Failure of annexation upon election** 6854. If at the election less than a majority of the votes in either the district or the territory proposed to be annexed are in favor of annexation of the proposed territory to the district, the signers of the petition shall, within 10 days after the canvassing of the votes of the election, pay to the board the reasonable cost of the election, and if not paid within 10 days, the board may sue on the bond to recover the cost of the election.

**Expenses**

**No further election for one year** 6855. If the result of the election is against annexation the board shall, by order, disapprove the petition and enter the order in its minutes. No other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of the petition, except to collect the costs of the election.

### Article 3. Annexation Without an Election

**Annexation without election** 6870. Any territory specified in Section 6830 of this code may be annexed without an election in the following manner.  
(Amended by Stats. 1941, Ch. 5. In effect January 24, 1941.)

**Petition** 6871. A petition signed by the owners of real property in the territory proposed to be annexed, which real property represents at least 75 per cent of the total assessed valuation of the territory as shown by the last equalized county assessment roll shall be presented to the board.

**Requirements of petition** 6872. The petition shall designate specifically the boundaries of the territory and its assessed valuation as shown by the last equalized county assessment roll and shall show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll.

**Petition to ask annexation** 6873. The petition shall state that the territory is not in any other sanitary district and shall ask that the territory be annexed to the district.

6874. The petition shall be verified by the affidavit of one of the petitioners. Verification

6875. It shall be published at least two weeks preceding the hearing, in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county. Publication

6876. With the petition there shall be published a notice stating the time when the petition will be presented to the board, and stating that all persons interested may appear and be heard. Notice

6877. At the time designated the board shall hear the petition, and any person interested and may adjourn the hearing from time to time. Hearing

6878. Upon the hearing of the petition the board shall determine whether or not it is for the best interests of the district and the contiguous territory that the territory be annexed to the district and the board may modify the boundaries of the territory proposed to be annexed as set forth in the petition. Modification of boundaries

6879. However, the board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any land that would be benefited by annexation, nor shall any land that would not be benefited by annexation, be included within the boundaries of the territory proposed to be annexed. Limitation on power to modify boundaries

6879.5. If there is or has been presented to the board a petition containing the signatures of owners of real property in the territory proposed to be annexed, which real property represents at least 75 per cent of the total assessed valuation of the territory exclusive of any potential "separating barrier," as defined in Section 6830 of this code, the board may, in the manner specified in this article, proceed to publish the petition and notice of hearing and hear the petition. If, at the hearing, the board finds (a) that the territory described in the petition contains any potential "separating barrier," and (b) that such potential "separating barrier" would not be benefited by annexation and should be excluded from the territory to be annexed, the board shall modify the boundaries of the territory proposed to be annexed as set forth in the petition by excluding the "separating barrier." Barrier

(Added by Stats. 1941, Ch. 5: In effect January 24, 1941.)

6880. If the board upon final hearing determines that it is for the best interests of the district and of the territory proposed to be annexed that the territory be annexed, it shall District board's approval of annexation



make an order describing the boundaries of the territory proposed to be annexed and shall present to the county board of supervisors a petition setting forth the proceedings theretofore taken for the annexation of the territory, the finding of the board, and requesting the board of supervisors to annex the territory to the district.

**Order of annexation** 6881. The board of supervisors shall, at its next regular meeting, after the presentation of the petition, by an order alter the boundaries of the district and annex to it the territory described in the petition of the board and the territory is then a part of the district.

#### CHAPTER 9.5. CONSOLIDATION WITHOUT AN ELECTION

(Chapter 9.5 added by Stats. 1943, Ch. 1015.)

**Contiguous districts** 6890. Two or more contiguous sanitary districts may be consolidated as hereinafter provided for.  
(Added by Stats. 1943, Ch. 1015.)

**Petition** 6891. Whenever a petition signed by 55 per cent of the owners of real property in a district is presented to the board requesting that the district be consolidated with another district the board, after notice, shall hold a hearing on the question of such consolidation.  
(Added by Stats. 1943, Ch. 1015.)

**Notice** 6891.5. The board shall give notice of such hearing by publication in at least one issue of a newspaper of general circulation printed and published in the district, or if no such newspaper is printed and published therein in some newspaper circulated within the district.  
(Added by Stats. 1943, Ch. 1015.)

**Contents of notice** 6892. The notice shall specify the time and place of hearing and that the hearing shall be on the question of consolidation with the other district, which shall be designated by name or otherwise identified in the notice.  
(Added by Stats. 1943, Ch. 1015.)

**Hearing and determination** 6892.5. At the time and place of hearing, as stated in the notice, the board shall hear the evidence for and against the proposal, and if the board determines that the consolidation would not be for the best interests of the district the proceedings shall terminate.  
(Added by Stats. 1943, Ch. 1015.)

6893. If the boards of two districts each determine after such hearing that the consolidation of the districts would be for the best interests of the respective districts the boards shall in joint meeting declare their respective determinations and each shall make an order that thereafter the land within its district shall be and become a part of the consolidated district under such name as the boards shall jointly determine. Thereafter the consolidated district shall constitute a district under such name.

(Added by Stats. 1943, Ch. 1015.)

6894. Upon the consolidation of such districts the consolidated district shall be governed by the joint boards until the next ensuing election at which election a new board for the consolidated district shall be elected and the terms of office of the members of each of the two boards shall terminate upon the taking of office by the new directors.

(Added by Stats. 1943, Ch. 1015.)

6894.5. If at the time of a consolidation there is outstanding any indebtedness of any former district included in the consolidated district, the indebtedness shall be paid in the manner provided for the payment of indebtedness upon a dissolution of a district.

(Added by Stats. 1943, Ch. 1015.)

6895. A consolidated district shall not be liable for any indebtedness of any former districts included in it which was outstanding at the time of consolidation.

(Added by Stats. 1943, Ch. 1015.)

6895.5. No property in the name of the former districts shall be taxed to pay any indebtedness of any other former district existing at the date of consolidation.

(Added by Stats. 1943, Ch. 1015.)

(Chapter 9.5 added by Stats. 1943, Ch. 1015.)

## CHAPTER 10. DISSOLUTION

6900. A district may be dissolved upon the vote of two-thirds of its qualified electors, voting at an election called by the district board.

The election shall be called and conducted in the same manner as other elections of the district.

(Amended by Stats. 1939, Ch. 621.)

Vesting of  
property

6901. If at the time of dissolution there is no unpaid bonded indebtedness, the whole or that portion of the property of the district lying within the limits of a city shall vest in the city subject to the conditions set forth in this article.

Any portion of the property of the district which is without the corporate limits of any city shall vest in the board of supervisors until incorporation of a city embracing the territory, at which time the property shall vest in the newly incorporated city.

(Amended by Stats. 1939, Ch. 621.)

Territory  
annexed  
to city

6901.5. If at any time after dissolution the territory lying without the city is annexed to the city, or if thereafter a city is created or formed which embraces the territory lying without a city, then the property, as it then is, shall pass from the board of supervisors and shall vest in the original city or in the newly created city, as the case may be.

(Added by Stats. 1939, Ch. 621.)

Outstand-  
ing debts

6902. If at the time of the election to dissolve the district there is an outstanding bonded indebtedness of the district, the vote to dissolve the district shall dissolve it for all purposes except the levy and collection of taxes for the payment of the indebtedness and for the purpose of assessing, levying, and collecting taxes.

(Amended by Stats. 1939, Ch. 621.)

Ex officio  
board

6903. From the time the district is dissolved, until its bonded indebtedness, with the interest, is paid, satisfied, and discharged, the governing body of the city, where the property of the district lies wholly within the limits of a city, and in all other cases the board of supervisors, is the ex officio board of the district.

Duties:  
Taxation

6904. The ex officio boards shall levy such taxes and perform such other acts as are necessary for the payment of the indebtedness and the interest, and for such other costs and expenses incident to the assessing, levying and collection of such taxes.

(Amended by Stats. 1939, Ch. 621.)

Assessment  
and collec-  
tion of taxes  
by county

6904.5. The governing body of any city acting as an ex officio board may enter into a contract pursuant to law with the county tax assessor to assess the property in the district, and with the county tax collector to collect the taxes thereon, and the money so collected shall at the usual times of settlement, be transmitted by the county tax collector to the treasurer of the city, and shall be used only for the purpose of pay-



ing, satisfying and discharging the outstanding bonds as far as possible, and the payment of the interest thereon, and the expenses of assessing and collecting the taxes.

(Added by Stats. 1939, Ch. 621.)

6904.6. If a city acquires the whole of the property of the district, or a part of the property, the city shall, at the expense of the city, maintain in proper condition such whole or part of the sewer system within the limits of the city. Maintenance of system by city

(Added by Stats. 1939, Ch. 621.)

6905. The ex officio boards shall maintain the sewer system in proper condition and shall fulfill and compel fulfillment of all contracts made by the district for the right of connection made with property lying outside of the boundaries of the district. Sewer maintenance

6906. The ex officio boards shall maintain and protect all other rights acquired by the district. Protection of rights

6907. The ex officio boards shall not permit connection to be made with the system by any property outside of the boundaries of the district as they existed at the time of dissolution. Connections

6907.5. If a county acquires the whole or any portion of the district, the board of supervisors shall likewise maintain the system acquired, and the expense thereof is a charge upon such area that lies without the limits of any city. Where county acquires all or part of district

(Added by Stats. 1939, Ch. 621.)

## PART 2. OTHER SANITARY DISTRICT ACTS

(Part 2 added by Stats. 1941, Ch. 990. See note at beginning of division.)

### CHAPTER 1. GENERAL

(Chapter 1 added by Stats. 1941, Ch. 990.)

6935. No right or obligation accrued by the formation, organization, reorganization or operation of a sanitary district pursuant to the provisions of Chapter 161 of the Statutes of 1891 or the provisions of the Sanitary District Act of 1919 is affected by the repeal of those acts and any district so organized or reorganized may continue in existence and subject to the act under which it was organized or reorganized or may reorganize pursuant to this part. Saving clause

(Added by Stats. 1941, Ch. 990.)

(Chapter 1 added by Stats. 1941, Ch. 990.)

## CHAPTER 2. USE OF COUNTY ASSESSOR'S ROLL

(Chapter 2 added by Stats. 1941, Ch. 990.)

**Assessment roll** 6940. Notwithstanding the provisions of Chapter 161 of the Statutes of 1891, or the provisions of the Sanitary District Act of 1919, as the provisions of these acts existed at the time of their repeal, the board of any sanitary district organized or reorganized under and continuing in existence and subject to these acts may elect to avail itself of the assessment roll of the properties within the district, used by the county in which the district is situated, and may take that assessment as the basis for district taxation.

(Added by Stats. 1941, Ch. 990.)

6940.3. The board shall declare its election by resolution and shall file a certified copy with the auditor and the assessor of the county on or before the first Monday in February of the year in which the district proposes to use the county assessment roll.

Thereafter, until the board by resolution elects otherwise all taxes shall be collected by the county assessor and tax collector of the county.

(Added by Stats. 1941, Ch. 990.)

**Statement** 6940.6. Following the board's election, the county auditor shall on or before the fourth Monday in August of each year transmit to the board a written statement showing the total value of all property in the district, which value shall be ascertained from the assessment roll used by the county for that year.

(Added by Stats. 1941, Ch. 990.)

**Fix rate** 6940.9. Not later than the first day of September the district board shall fix the rate of taxation for district purposes and for the payment of the principal and interest of that year upon outstanding bonds and the payment of the principal and interest that the board believes will become due during the year on bonds authorized but not sold.

(Added by Stats. 1941, Ch. 990.)

**Designate** 6941.3. The board shall designate the number of cents on each one hundred dollars (\$100) to be levied for each fund and the fund into which the proceeds shall be paid, using as a basis the value of property as assessed on the county roll.

The district board shall immediately transmit to the auditor of the county in which the district is situated a statement of the tax rate fixed.

(Added by Stats. 1941, Ch. 990.)

**Computation** 6941.6. The auditor shall then compute and enter in a separate column in the county assessment roll the respective

sums to be paid as a district tax on the property in the district, using the rate of levy as fixed by the board and the assessed value as found on the assessment roll.

The taxes so levied shall be collected at the same time and in the same manner as county taxes are collected, and when collected shall be at once paid to the treasurer.

(Added by Stats. 1941, Ch. 990.)

6941.9. The taxes are a lien on all the property in the district, and the taxes, whether for the payment of a bonded indebtedness, or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for the enforcement of liens for county taxes. Lien

(Added by Stats. 1941, Ch. 990.)

(Chapter 2 added by Stats. 1941, Ch. 990.)

(Part 2 added by Stats. 1941, Ch. 990. See note at beginning of division.)

## DIVISION 7. DEAD BODIES

### PART 1. GENERAL PROVISIONS

#### CHAPTER 1. DEFINITIONS

7000. The definitions in this chapter apply to this division and to Divisions 8 and 9 of this code. Definitions

7001. "Human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and cremated remains. "Human remains" or "remains"

7002. "Cremated remains" means human remains after incineration in a crematory. "Cremated remains"

7003. "Cemetery" means any one, or a combination of more than one, of the following, in a place used, or intended to be used, and dedicated, for cemetery purposes: "Cemetery"

(a) A burial park, for earth interments.

(b) A mausoleum, for crypt or vault interments.

(c) A crematory, or a crematory and columbarium, for cinerary interments.

7004. "Burial park" means a tract of land for the burial of human remains in the ground, used or intended to be used, and dedicated, for cemetery purposes. "Burial park"

7005. Except in Part 5 of Division 8 of this code, "mausoleum" means a structure or building for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated, for cemetery purposes. "Mausoleum"



- "Crematory" 7006. "Crematory" means a building or structure containing one or more furnaces for the reduction of bodies of deceased persons to cremated remains.
- "Columbarium" 7007. Except in Part 5 of Division 8 of this code, "columbarium" means a structure, room, or other space in a building or structure containing niches for inurnment of cremated human remains in a place used, or intended to be used, and dedicated, for cemetery purposes.
- "Crematory and columbarium" 7008. "Crematory and columbarium" means a building or structure containing both a crematory and columbarium.
- "Interment" 7009. "Interment" means the disposition of human remains by cremation, inurnment, entombment, or burial.  
(Amended by Stats. 1939, Ch. 339.)
- "Cremation" 7010. "Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory and the placement of the cremated remains in a grave, vault, or niche.
- "Inurnment" 7011. "Inurnment" means placing cremated remains in an urn and placing it in a niche.
- "Entombment" 7012. "Entombment" means the placement of human remains in a crypt or vault.
- "Burial" 7013. "Burial" means the placement of human remains in a grave.  
(Amended by Stats. 1939, Ch. 339.)
- "Grave" 7014. "Grave" means a space of ground in a burial park, used, or intended to be used, for burial.
- "Crypt" or "vault" 7015. "Crypt" or "vault" means a space in a mausoleum of sufficient size, used or intended to be used, to entomb uncremated human remains.
- "Niche" 7016. "Niche" means a space in a columbarium used, or intended to be used, for inurnment of cremated human remains.
- "Temporary receiving vault" 7017. "Temporary receiving vault" means a vault used or intended to be used for the temporary placement of human remains.
- "Cemetery authority" 7018. "Cemetery authority" includes cemetery association, corporation sole, or other person owning or controlling cemetery lands or property.  
(Amended by Stats. 1939, Ch. 339.)

7019. "Cemetery corporation," "cemetery association," or "cemetery corporation or association," mean any corporation now or hereafter organized which is or may be authorized by its articles to conduct any one or more or all of the businesses of a cemetery, but do not mean or include a corporation sole. "Cemetery corporation," etc.

7020. "Cemetery business," "cemetery businesses," and "cemetery purposes" are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to, establishing, maintaining, operating, improving, or conducting a cemetery, interring human remains, and the care, preservation, and embellishment of cemetery property. "Cemetery business," etc.

7021. "Directors" or "governing body" means the board of directors, board of trustees, or other governing body of a cemetery association. "Directors," etc.

7022. "Lot," "plot," or "interment plot" means space in a cemetery, used or intended to be used for the interment of human remains. Such terms include and apply to one or more than one adjoining graves, one or more than one adjoining crypts or vaults, or one or more than one adjoining niches. "Lot," etc.

7023. "Plot owner," "owner," or "lot proprietor," means any person in whose name an interment plot stands of record as owner, in the office of a cemetery authority. "Plot owner," etc.  
(Amended by Stats. 1939, Ch. 339.)

7024. A "burial permit" is a permit, issued pursuant to law, for the interment of human remains. "Burial permit"

## CHAPTER 2. GENERAL PROVISIONS

7050. In matters relating to communicable diseases, the State department may make and enforce regulations for the embalming, cremation, interment, disinterment and transportation of the dead. Rules and regulations

(Amended by Stats. 1939, Ch. 339.)

7051. Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment, with intent to sell it or to dissect it, without authority of law, or from malice or wantonness, is punishable by imprisonment in the State prison for not more than five years. Unlawful removal

7052. Every person who mutilates, disinters, or removes from the place of interment any human remains without authority of law, is guilty of felony. This section does not apply to any person who removes the remains of a relative or friend for reinterment. Unlawful mutilation, etc.

Attachment  
for debt, etc.

7053. Every person who arrests, attaches, detains, or claims to detain any human remains for any debt or demand, or upon any pretended lien or charge, is guilty of a misdemeanor.

Unlawful  
deposit or  
disposition  
of human  
remains

7054. Every person who deposits or disposes of any human remains, in any place within the corporate limits of any city, or city and county, except in a cemetery, is guilty of a misdemeanor.

(Amended by Stats. 1939, Ch. 339.)

Unlawful  
interment

7055. Every person, who for himself or for another person, interrs or incinerates a body or permits the same to be done, or removes any remains, from the primary registration district in which the death or incineration occurred or the body was found, except a removal by a funeral director in a funeral directors' conveyance from that registration district to another registration district in the same or another county, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or removes interred human remains from the cemetery in which the interment occurred; or removes cremated remains from the premises on which the cremation occurred without the authority of a removal permit is guilty of a misdemeanor and punishable as follows: (a) for the first offense by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500), (b) for each subsequent offense by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisonment in the county jail for not more than 60 days, or by both.

(Amended by Stats. 1939, Ch. 541, and by Stats. 1941, Ch. 181.)

### CHAPTER 3. CUSTODY, AND DUTY OF INTERMENT

Duty and  
cost of  
interment

7100. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

- (a) The surviving spouse.
- (b) The surviving child or children of the decedent.
- (c) The surviving parent or parents of the decedent.
- (d) The person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent.

Liability  
of estate

7101. When any decedent leaves an estate in this State, the reasonable cost of interment and an interment plot of



sufficient size to constitute a family plot and memorial, including reasonable sums for either, or both, general and special perpetual care of the plot proportionate to the value of the estate and in keeping with the standard of living adopted by the decedent prior to his demise, together with interest thereon from the date of interment, shall be considered as a part of the funeral expenses of the decedent and shall be paid as a preferred charge against his estate as provided in the Probate Code.

If a claim for an interment plot or memorial is rejected the burden of proving that the cost of the interment plot or memorial is disproportionate to the value of the estate and the standard of living adopted by the decedent while living shall be upon the executor or administrator rejecting the claim. This chapter does not prohibit any relative or friend of a decedent from assuming the duty or paying the expense of interment.

(Amended by Stats. 1939, Ch. 339.)

7102. When a person is charged by law with the duty of interment he is entitled to the custody of the remains for the purpose of interment; except that in any case where a coroner is required by law to investigate the cause of death, the coroner is entitled to the custody of the remains of the person whose death is the subject of investigation until the conclusion of the autopsy or medical investigation by the coroner. Any person in whose possession such remains are found, shall, upon demand by the coroner, surrender such remains to him.

Custody of remains

7103. Every person, upon whom the duty of interment is imposed by law, who omits to perform that duty within a reasonable time is guilty of a misdemeanor. In addition, he is liable to pay to the person performing the duty in his stead treble the expenses incurred by the latter in making the interment, to be recovered in a civil action.

Failure to inter: Penalties

7104. When no provision is made by the decedent, or where the estate is insufficient to provide for interment and the duty of interment does not devolve upon any other person residing in the State or if such person can not after reasonable diligence be found within the State the person who has custody of such remains may require the coroner of the county where the decedent resided at time of death to take possession of such remains and he shall inter the same in the manner provided for the interment of indigent dead.

Interment by coroner

(Amended by Stats. 1939, Ch. 339.)

7105. If the person vested with the duty of interment fails, refuses or neglects within a reasonable time after death of the decedent to make such interment, a cemetery authority having possession of the remains, or any relative of the decedent, may file a petition in the superior court in the county in

Compelling interment: Petition

which the decedent resided at the time of his death, or in which the remains are located, naming as defendant the person vested with the duty of interment and seeking an order of the court directing the defendant to make interment of the remains.

If no person residing in the State vested with the duty of making interment is known to the petitioner, or if such person after reasonable diligence can not be found within the State, and that fact appears from the petition, the petitioner may make the coroner of the county in which the petition is filed the party defendant.

(Amended by Stats. 1939, Ch. 339.)

More than  
one decedent

7106. A cemetery authority may seek an order providing for the interment of the remains of one or more decedents. Where a proceeding is commenced involving the remains of more than one decedent the allegations of the petition shall separately state the facts as to each, and the court may make a separate order as to each.

Notice of  
hearing

7107. Notice of the time and place of the hearing on the petition shall be given as the court may direct. Upon the hearing the court shall make its order providing for the interment of the remains in such manner, at such time, and at such place as the court may determine to be just and proper, and for the best interests of the public health.

Duty of  
coroner

7108. If the coroner is directed to make such interment he shall make it in the manner provided by law for the interment of the indigent dead.

(Amended by Stats. 1939, Ch. 339.)

Costs and  
fees

7109. The court shall allow costs and reasonable attorney's fees against all defendants, other than the coroner.

Warranty

7110. Any person signing any authorization for the interment of any remains warrants the truthfulness of any fact set forth in the authorization, the identity of the person whose remains are sought to be interred, and his authority to order interment. He is personally liable for all damage occasioned by or resulting from breach of such warranty.

Interment  
by cemetery  
authority

7111. A cemetery authority may make an interment of any remains upon the receipt of a written authorization of a person representing himself to be any of the following:

(a) The surviving spouse.

(b) A surviving child or parent.

(c) The next of kin.

(d) A person who has acquired the right to control the disposition of the remains.

A cemetery authority is not liable for cremating or making an interment pursuant to such authorization, unless it has actual notice that such representation is untrue.

7112. No action shall lie against any cemetery authority relating to the cremated remains of any person which have been left in its possession for a period of five years, unless a written contract has been entered into with the cemetery authority for their care or unless permanent interment has been made.

Action  
against  
cemetery  
authority

Nothing in this section shall be construed as an extension of the existing statute prescribing the period within which an action based upon a tort must be commenced. No licensed funeral director shall be liable in damages for any cremated human remains after the remains have been deposited with a cemetery in the State of California.

(Amended by Stats. 1939, Ch. 458.)

#### CHAPTER 4. DISPOSAL OF UNCLAIMED DEAD

7200. Every head of a public institution, city or county undertaker, or State, county, or city officer having charge or control of remains to be interred at public expense, shall use due diligence to notify the relatives of the decedent. In the absence of any known relative of decedent desiring to direct the disposition of the remains in a manner other than in this chapter provided, and upon written request of the State department that such notices are required for a definite period specified in the request, such officer shall notify the State department by telegraph collect, immediately after the lapse of 24 hours after death, stating, whenever possible the name, age, sex, and cause of death of the decedent.

Notice: To  
relatives

To State  
department

7201. The person in charge of a public institution in which the decedent was an inmate shall transmit upon request, to the state department or to any person designated by it, a brief medical history of the unclaimed dead for purpose of identification and permanent record, which records shall be open to inspection by any State or county official or prosecuting attorney.

Medical  
history

7202. The unclaimed dead retained by the State department for scientific or educational purposes shall be embalmed and disposed of in accordance with the instructions of the State department. Such unclaimed dead shall be held for a period of 30 days by those to whom they may have been assigned for scientific or educational purposes, subject to claim and identification by any authenticated relative of the decedent for purpose of interment or other disposition in accordance with the directions of such relative.

When  
retained  
by State  
department

7203. The bodies of the unclaimed dead retained by the State department shall be used solely for the purpose of instruction and study in the promotion of medical, chiropractic, and embalming education and science within the State.

Use



- Expense      7204. All persons receiving unclaimed dead for educational purposes shall bear all reasonable expense incurred in the preservation and transportation of the dead and shall keep a permanent record of bodies received, giving the identification number, the name, age, sex, nationality, and race, if possible, together with the place of last residence of the decedent and the source and disposition, with dates, of the body.
- Record
- Post mortem examinations      7205. It is unlawful for any person, unless specifically authorized by law, to hold a post mortem examination of any unclaimed dead without the express permission of the State department.
- Permission to use material      7206. Any person authorized by law to perform post mortem examinations shall permit, with the consent of relatives, or in the absence of such relatives, with the consent of the State department, any representative of the anatomical or pathological departments of an incorporated medical, chiropractic, or osteopathic school or college to obtain at the time of the necropsy, such material in a recent state as may be needed for scientific purposes, if the material is not required for the legal purposes of the State.
- Body unfit for scientific purposes      7207. Whenever, through the failure of any person to notify the State department, or promptly to deliver the body of a deceased indigent as required by the State department, such body becomes unfit for scientific or educational purposes, the State department shall so certify and the remains shall be interred at the expense of those guilty of such noncompliance.
- Penalty      7208. Every person who unlawfully disposes, uses, or sells the body of an unclaimed dead person, or who violates any provision of this chapter is guilty of a misdemeanor.

## CHAPTER 5. EMBALMING AND TRANSPORTATION

### Article 1. Embalming

- When permission required: Unknown cause of death      7300. No person shall embalm a body of any person who has died from an unknown cause, except with the permission of the local health officers.  
(Amended by Stats. 1939, Ch. 126.)
- Crime in connection with death      7301. No embalmer shall embalm a dead human body when he has information reasonably indicating crime in connection with the death until permission of the coroner, or a justice of the peace, if there is no coroner, has been obtained.
- Report of contagious case      7302. Every funeral director and embalmer shall immediately report to the local health officer every contagious case on which the funeral director or embalmer may be called.

**7303.** No embalming fluid or methods of embalming dis- Embalming fluids, etc.  
 approved by regulation of the State department shall be  
 employed by any person in the case of deaths from contagious,  
 infectious, or communicable diseases, or in cases where the  
 body is to be transported upon a public conveyance for inter-  
 ment or cremation within this State or for transportation to a  
 point without the State.

No embalming fluids shall be used in embalming which:

(a) Contain heavy mineral or metallic substances which  
 have a poisonous effect, such as arsenic and mercury;

(b) Contain less than 10 per cent formaldehyde gas.

Every person who violates the provisions of this section  
 shall be guilty of a misdemeanor and shall be punished by a  
 fine of not less than ten dollars (\$10) nor more than five hun-  
 dred dollars (\$500).

(Amended by Stats. 1939, Ch. 126.)

## Article 2. Transportation

**7350.** It is unlawful for any common carrier, to receive for Prohibition when body not prepared by licensed embalmer  
 transportation any dead human body, unless the body has been  
 prepared by a regularly licensed embalmer in accordance with  
 the rules prescribed by the State department, and is accom-  
 panied by a yellow paster in a form approved by it.

(Amended by Stats. 1941, Ch. 181.)

**7351.** The requirements prescribed in this article for the Observance of requirements  
 transportation of the dead shall be strictly observed, subject  
 to such changes and modifications as the State department  
 may require and direct.

**7352.** The transportation into this State or from this State Prohibition where death caused by specific disease  
 of bodies of persons who have died from plague, Asiatic chol-  
 era, yellow fever, typhus fever, anthrax, glanders, or smallpox  
 is prohibited.

Such bodies shall not be transported within this State except  
 by permission and under the direction of the State depart-  
 ment, and subject also to the conditions provided in Section  
**7353.**

(Amended by Stats. 1939, Ch. 126.)

**7353.** The bodies of persons who have died of Asiatic chol- Acceptance conditions: Where death caused by specified disease  
 era, smallpox, yellow fever, diphtheria, membranous croup,  
 scarlet fever (scarlatina, scarlet rash), erysipelas, glanders,  
 anthrax, or leprosy, shall not be accepted for transportation  
 unless prepared for transportation by:

(a) Arterial and cavity injection with a disinfecting fluid  
 approved by the State department.

(b) Disinfection and stopping of all orifices with absorbent  
 cotton.

(c) Washing the body with a disinfectant.

The body shall be properly clothed, and placed in either:

(a) An airtight metal-lined casket, all joints and seams hermetically sealed, and all inclosed in a strong, wooden transportation case, or,

(b) A wooden casket encased in a metal-lined transportation case, all joints and seams of the case being hermetically sealed.

In the transportation of bodies dead from any disease named in this section, the body shall not be accompanied by persons or articles which have been exposed to the infection of the disease, unless certified by the health officer to have been properly disinfected.

(Amended by Stats. 1939, Ch. 126.)

Other specified diseases

7354. The bodies of persons who have died from typhoid fever, puerperal fever, tuberculosis, measles, or any other contagious or infectious disease not enumerated in Sections 7352 and 7353, may be received for transportation when prepared for transportation by arterial and cavity injection with an approved disinfecting fluid, and by washing the exterior of the body with an approved disinfecting fluid. The body shall be properly clothed. If the body can not reach its destination within 90 hours from the time of death it shall be placed in a wooden casket inclosed in a hermetically sealed metal-lined transportation case, or in an airtight metal or metal-lined casket inclosed in a wooden transportation case.

(Amended by Stats. 1939, Ch. 126.)

Death from other causes

7355. The bodies of persons who have died from any cause not stated in nor covered by other provisions of this article, shall not be received for transportation by a common carrier unless the body has been embalmed and prepared by a licensed embalmer, and placed in a sound casket and inclosed in a wooden transportation case.

(Amended by Stats. 1939, Ch. 126, and by Stats. 1941, Ch. 181.)

## CHAPTER 6. BURIAL AND REMOVAL PERMITS

Burial permit: Body inspection

7400. Whenever the State Department of Public Health so orders, no burial permit shall be issued until after the body has been inspected by the department or its representative.

When permit required

7401. Except as provided in the next section, the body of any person whose death occurs in this State, or whose body is found in the State, or which is brought in from outside the State, shall not be interred, deposited in a vault or tomb, cremated, disinterred or otherwise disposed of, or removed from or into any registration district, or temporarily held pending further disposition more than five days after death, unless a permit for burial, removal, or other disposition is



issued by the local registrar of the registration district in which the death occurred or the body was found, or by the county recorder of the county in which the district is located. The county recorder shall mail, within 24 hours, the original death certificate to the local registrar.

7402. This chapter does not prevent a funeral director from removing a body from the registration district where the death occurred or the body was found to another registration district in the same or another county in a funeral director's conveyance for the purpose of preparing the body for interment or shipment. Exemption

(Amended by Stats. 1941, Ch. 181.)

7403. (Repealed by Stats. 1939, Ch. 101.)

7404. If death occurred from any disease held by the State department to be infectious, contagious, or communicable, and dangerous to public health, the body shall not be removed without first securing permission of the local health officer. Removal  
from death  
premises

(Amended by Stats. 1939, Ch. 101.)

7405. No burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him, except that when a dead body is transported from outside the State into a registration district in California for interment, the transit or removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported, as a basis upon which he may issue a local burial permit, noting upon the face of the burial permit the fact that it was a body shipped in for interment and the place of death. Filing  
of death  
certificate  
  
Exception

7406. No person shall inter in any cemetery any human body unless (a) there has been obtained and filed with the local registrar of the city or county where the death occurred, a certificate, signed by a physician, or a coroner, setting forth as near as possible, the name, age, color, sex, place of birth, occupation, date, locality and the cause of death of the decedent, and (b) he has obtained from the local registrar a burial permit. Conditions  
for inter-  
ment

(Amended by Stats. 1941, Ch. 181.)

7407. A burial permit issued in one county or city is valid and sufficient in any county it specifies as the place of interment and shall be issued in duplicate. Further permit for interment shall not be required, but any county interment fees required by law or ordinance shall be paid. Burial  
permit

(Amended by Stats. 1941, Ch. 181.)

7408. (Amended by Stats. 1939, Ch. 339; repealed by Stats. 1941, Ch. 181.)

7409. (Repealed by Stats. 1941, Ch. 181.)

Prohibition  
re interment,  
etc., when  
body unac-  
companied  
by permit

7410. No person in charge of any premises on which interments or cremations are made shall inter or permit the interment or cremate or permit the cremation or other disposition of any body unless it is accompanied by a burial or cremation permit.

Indorsement  
of permit,  
etc.

7411. The person in charge shall sign the permit, indorse upon it the date of interment or cremation, and return all permits so indorsed to the local registrar of his district within 10 days from the date of interment or cremation.

Cemetery in  
more than  
one registra-  
tion district

7412. If any cemetery is located partly in one registration district and partly in another, only one permit shall be required for interment and a permit authorizing interment in such cemetery shall entitle interment to be made within or without the district to which such permit is directed. Such permit shall be returned to the registration district in which the interment is made irrespective of the district to which it is directed. The local registrar of the district in which such interment is made shall forthwith file such permit on presentation without charge.

(Added by Stats. 1939, Ch. 642.)

## PART 2. DISINTERMENT AND REMOVAL

### CHAPTER 1. GENERAL PROVISIONS

#### Article 1. Permits

Order 7500. No remains of any deceased person shall be removed from any cemetery, except upon written order of the health department having jurisdiction, or of the superior court of the county in which such cemetery is situated. A duplicate copy of the order shall be maintained as a part of the records of the cemetery. Any person who removes any remains from any cemetery shall keep and maintain a true and correct record showing:

Records

(a) The date such remains were removed.

(b) The name and age of the person removed, when these particulars can be conveniently obtained and the place to which the remains were removed.

(c) The cemetery and the plot therein in which such remains were buried.

If the remains are disposed of other than by interment, a record shall be made and kept of such disposition. The person making the removal shall deliver to the cemetery authority operating the cemetery from which the remains were removed, a true, full and complete copy of such record.

7501. A cemetery authority shall not remove or permit the removal of any interred remains, unless a permit for the removal has been issued by the local registrar of the district in which the premises are located, and delivered to the cemetery authority. Any person entitled by law to remove any remains may apply to the local registrar for a permit to remove them. The local registrar shall issue a permit, which in all cases shall specify the name of a cemetery where the remains shall be interred, and shall retain a copy, for which permit he shall receive a fee of fifty cents (\$0.50) to be paid him by the applicant for the permit.

Removal  
permit

(Amended by Stats. 1941, Ch. 181.)

7502. In the disinterment, transportation and removal of human remains under Chapter 4 of this part a cemetery authority need not obtain a separate permit for the disinterment, transportation or removal of the remains of each person, but disinterment, transportation and removal of human remains shall be made subject to reasonable rules and regulations relative to the manner of disinterring, transporting or removing such remains as may be adopted by the board of health or health officer of the city or city and county in which the cemetery lands are situated.

Exception

## Article 2. Consent to Removal

7525. The remains of a deceased person may be removed from a plot in a cemetery with the consent of the cemetery authority and the written consent of one of the following in the order named:

Who must  
give

- (a) The surviving spouse.
- (b) The surviving children.
- (c) The surviving parents.
- (d) The surviving brothers or sisters.

7526. If the required consent can not be obtained, permission by the superior court of the county where the cemetery is situated is sufficient.

Court per-  
mission

7527. Notice of application to the court for such permission shall be given, at least 10 days prior thereto, personally, or at least 15 days prior thereto if by mail, to the cemetery authority and to the persons not consenting, and to every other person or association on whom service of notice may be required by the court.

Notice

7528. This article does not apply to or prohibit the removal of any remains from one plot to another in the same cemetery or the removal of remains by a cemetery authority from a plot for which the purchase price is past due and unpaid, to some other suitable place; nor does it apply to the disinterment of remains upon order of court or coroner.

Exemptions



## CHAPTER 2. REMOVALS TO OUT-OF-STATE POINTS

7550. (Repealed by Stats. 1941, Ch. 181.)

7551. (Repealed by Stats. 1941, Ch. 181.)

7552. (Repealed by Stats. 1941, Ch. 181.)

7553. (Repealed by Stats. 1941, Ch. 181.)

7554. (Repealed by Stats. 1941, Ch. 181.)

7555. (Repealed by Stats. 1941, Ch. 181.)

7556. (Repealed by Stats. 1941, Ch. 181.)

7557. (Repealed by Stats. 1941, Ch. 181.)

7558. (Repealed by Stats. 1941, Ch. 181.)

7559. (Repealed by Stats. 1941, Ch. 181.)

CHAPTER 3. REMOVAL OF ALL REMAINS: CITIES OF  
1,500-100,000

Local pro-  
vision for  
removal

7600. The governing body of any city having a population of more than 1,500 and not exceeding 100,000, may, by ordinance, and under such rules and regulations as it may adopt, provide for the disinterring and removal of all human remains from cemeteries in which no interments have been made for a period of two years, which are within the city, or owned and controlled by the city and located without its boundaries.

CHAPTER 4. REMOVAL OF ALL REMAINS: CITIES AND  
CITIES AND COUNTIES OVER 100,000

## Article 1. Power of Municipality

Order for  
removal

7700. The governing body of any city or city and county, having a population of more than 100,000 persons, may order the disinterment and removal of all human remains interred in all or any part of any cemetery of more than five acres in extent situated within its limits, where the right of interment in the cemetery has been prohibited by law for a period of 15 years or more, whenever the governing body, by ordinance, declares that the further maintenance of all or any part of the cemetery as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public and demands the disinterment and removal beyond the limits of the city, or city and county, of the human remains interred therein.

Ordinance:  
Declaration

7701. The governing body of such city or city and county may in any ordinance ordering or directing the disinterment and removal of such remains prescribe reasonable rules and regulations governing the manner of making disinterments and removals and providing for reinterment in cemeteries outside the city or city and county limits. Rules and regulations

The ordinance shall prescribe a reasonable time of not less than two years in which the removal of remains may be made by the cemetery authority, or by the owners or holders of interment spaces, or by the relatives or friends of those whose remains are interred in the cemetery, and may also provide that if the remains are not removed within the period fixed, the city or city and county will itself proceed to remove the remains and reinter them in another cemetery or cemeteries outside the city or city and county limits. Time for removal by relatives, etc.

## Article 2. Declaration of Intention by Cemetery Authority

7725. The cemetery authority of any cemetery from which human remains are ordered removed by an ordinance adopted in accordance with this chapter, may declare its intention and purpose to disinter and remove the remains in accordance with the ordinance, and to reinter the remains in another cemetery or cemeteries outside the limits of the city or city and county, or to deposit the removed remains in a memorial mausoleum or columbarium. Declaration

In the case of a cemetery corporation or association the procedure for such declaration shall be by resolution of the governing body of the corporation or association, ratified and approved by a majority vote of the lot owners or holders at any regular meeting of the corporation or association, or at a meeting specially called for the purpose.

7726. Any resolution or declaration of intention to disinter and remove human remains pursuant to this chapter adopted or declared by any cemetery authority shall specify and declare that at any time after the expiration of 10 months from and after the first publication of the notice of the resolution or declaration, the human remains then remaining in all or any part of the cemetery will be removed by the cemetery authority. Contents

## Article 3. Notice of Intention

7735. Notice of a declaration of intention to remove the human remains from all or any part of any cemetery shall be given by publication in a newspaper of general circulation published in the city, or city and county, in which the cemetery or the portion from which removals are to be made is situated. Publication shall be at least once a week for two successive months. Publication

**Heading and contents** 7736. The notice shall be entitled "Notice of Declaration of Intention to Remove Human Remains from ----- (insert name of cemetery) in accordance with the provisions of Ordinance No. ---- (insert number) of the ----- (insert name of city, or city and county) adopted ----- (insert date)" and shall specify a date not less than 10 months after the first publication when the cemetery authority causing the notice to be published will proceed to remove the remains then remaining in such cemetery or the portion from which removals are to be made.

**Posting** 7737. Copies of the notice shall within 10 days after the first publication be posted in at least three conspicuous places in the cemetery or the portion from which removals are to be made.

**Mailing** 7738. A copy of the notice shall be mailed to every person who owns, holds, or has the right of interment in, any plot in the cemetery or part affected, whose name appears upon the records of the cemetery. The notice shall be addressed to the last known post-office address of the plot owner as it appears from the records of the cemetery, and if his address does not appear or is not known, then to him at the city, or city and county, in which the cemetery land is situated.

**Same** 7739. The notice shall also be mailed to each known living heir at law of any person whose remains are interred in the cemetery, if his address is known.

#### Article 4. Special Notice to Relative or Friend

**Notice to cemetery authority** 7750. At any time before the date fixed for the removal of remains by the cemetery authority, any relative or friend of any person whose remains are interred in the cemetery from which removals are to be made may give the cemetery authority written notice that he desires to be present when the remains are disinterred or are reinterred.

**Contents** 7751. The notice to the cemetery authority shall specify:

- (a) The name of the person whose remains are to be disinterred.
- (b) As accurately as possible, the plot where the remains are interred.
- (c) The date of interment.
- (d) An address at which the required notices may be given by the cemetery authority.

**Delivery** 7752. The notice may be delivered, or forwarded by registered mail, to the office or principal place of business of the cemetery authority proposing to make removals.

**Notice by cemetery authority** 7753. After receipt of such notice before the date fixed for the removal of the remains by the cemetery authority, it



shall give written notice to the person requesting it of the time when the remains shall be disinterred and of the time when and the place where they will be reinterred. This notice shall be given by delivery, or by mail, to the person requesting it at least 10 days prior to the date specified for the disinterment of the remains.

7754. Whenever a request of notice is given by a relative or friend, the cemetery authority shall not disinter the remains referred to until the notice of the time of disinterment is given the relative or friend, as provided in this article. Same

#### Article 5. Removals by Relatives or Friends

7800. At any time prior to the removal by a cemetery authority of the remains of any person, any relative or friend of the decedent may voluntarily remove and dispose of the remains. Permission

7801. The person desiring to cause the removal shall, prior to removal, deliver to the cemetery authority an affidavit stating the name of the decedent whose remains it is desired to remove and, so far as is known to affiant, the date of burial and the names and places of residence of the heirs at law of the decedent. If the person desiring to cause the removal is not an heir at law of the person whose remains he desires to remove, the removal shall not be made by him until he has delivered to the cemetery authority the written consent of a majority of the known heirs at law of the decedent who are residents of this State. The statements in the affidavit are sufficient evidence of the number, names, and residences of the heirs at law for all of the purposes of this article, and the written consent of the majority of the heirs at law named in the affidavit is sufficient authority for the cemetery authority to permit the removal of the remains. Affidavit  
Consent of heirs

7802. Removal of all remains in a plot without the filing of an affidavit of consent may be caused by any of the following: Removal without filing affidavit

- (a) The purchaser or owner of the plot.
- (b) The purchaser or owner of the right of interment in the plot.
- (c) Any one of joint purchasers or owners of the plot or of the right of interment in the plot.

7803. If the right, title or interest of any grantee of any plot or of the right of interment therein has passed by succession to the heir or heirs at law of the grantee without distribution by order of court, the heir or heirs at law may remove the remains of persons interred in the plot. The affidavit of any heir at law setting out the facts of heirship shall be accepted by the cemetery authority as sufficient evidence of the fact of the transfer. Removal by heir of plot grantee  
Affidavit

Removal  
of vaults,  
headstones,  
etc.: By  
friend or  
relative

7804. Whenever remains are removed by a relative or friend of a decedent, under the provisions of this chapter, the person causing the removal is entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the interment space from which the remains have been removed. The affidavit or written consent given under the provisions of this chapter are sufficient authority for the cemetery authority to permit the removal of any such appurtenance.

By cemetery  
authority

7805. If such appurtenances remain on the plot for more than 90 days after the removal of the last human remains, they may be removed and disposed of by the cemetery authority, and thereafter no person claiming any interest in the plot, or any such appurtenance shall maintain in any court any action in relation to any such appurtenance.

#### Article 6. Removal by Cemetery Authority

Removal and  
reinterment

7850. After the completion of notice, and after the expiration of the period of 10 months specified in the notice, any cemetery authority may cause the removal of all human remains interred in the cemetery or portion from which the remains have been ordered removed, and may reinter such remains in other cemeteries in this State where interments are permitted, without further notice to any person claiming any interest in the cemetery, or portion affected, or in the remains interred therein.

Reinterment  
in adjoining  
county

7851. Whenever any remains are removed from any cemetery or portion of a cemetery pursuant to this chapter by a cemetery authority, they shall be transported to and reinterred in a cemetery in an adjoining county where interments by the cemetery authority are permitted.

Placement  
in receptacles,  
etc.

7852. The remains of each person reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred under rules and regulations adopted by the cemetery authority making the removal.

#### Article 7. Disposal of Lands

Authority  
to dispose

7900. Whenever human remains have been ordered removed under this chapter, and the cemetery authority has made and published notice of intention to remove such remains, the portions of the cemetery in which no interments have been made, and those portions from which all human remains have been removed, may be sold, mortgaged, or otherwise encumbered as security for any loan or loans made to the cemetery authority.

Sales:  
Conduct and  
confirmation

7901. No order of any court shall be required prior to the making of any such sale, mortgage, or other encumbrance of

such lands; but any sale of such cemetery lands made by any cemetery corporation or association controlled by a governing body shall be fairly conducted and the price paid shall be fair and reasonable and all such sales shall be confirmed, as to the fairness and reasonableness of the price paid, by the superior court of the county in which the lands are situated.

7902. Petitions for confirmation of sales shall be made to the superior court of the county or city and county in which such lands are situated, and the clerk of the court shall fix a day for and give notice of hearing in accordance with the provisions of Section 1200 of the Probate Code. Petition for confirmation

7903. If prior to the adoption of an ordinance pursuant to this chapter any cemetery authority has in good faith entered into any agreement to sell or has granted any option to buy all or any portion of its cemetery lands for a price reasonable at the time the agreement to sell was made, or the option granted, the superior court shall confirm the sale at the price stipulated in the agreement to sell or the option to buy. Same

7904. After the removal of all human remains interred in any part or the whole of the cemetery lands, the cemetery authority may file for record in the office of the county recorder of the county or city and county in which the lands are situated a written declaration reciting that all human remains have been removed from the lands described in the declaration. Written declaration: Recording

The declaration shall be acknowledged in the manner of the acknowledgment of deeds to real property by the president and secretary, or other corresponding officers of the cemetery authority, or by the person owning or controlling the cemetery lands, and thereafter any deed, mortgage, or other conveyance of any part of such lands is conclusive evidence in favor of any grantee or mortgagee named in it, and his successor or assigns, of the fact of the complete removal of all human remains therefrom.

7905. With the approval of the governing body of the city or city and county in which the cemetery lands are situated, sufficient lands may be reserved from any cemetery lands from which the human remains have been removed to erect a mausoleum or columbarium for the reinterment of disinterred remains, to provide sufficient grounds around it, and to preserve such historical vaults or monuments as the cemetery authority may determine to be proper or necessary. Reservation of lands

7906. After all remains have been removed from a cemetery in accordance with Chapters 3 and 4, Part 2, Division 7 of this code, the dedication may be removed from all or any part of such cemetery lands by an order and decree of Removal of dedication by court order



the superior court of the county in which the property is situated, in a proceeding brought for that purpose and upon notice of hearing and proof satisfactory to the court:

(a) That all bodies have been removed, or that no interments were made; and

(b) That the property is no longer used or required for interment purposes.

(Added by Stats. 1939, Ch. 1032.)

## Article 8. Use of Funds

Sales  
proceeds

7925. Money payable or to become payable as the purchase price or on account of the purchase price of unused lands, or lands from which all remains have been removed is not subject to garnishment, attachment or execution, but shall be used exclusively for any or all of the following purposes:

(a) Acquisition of lands and improvements for cemetery purposes.

(b) Disinterment, removal, and reinterment of bodies, pursuant to this chapter.

(c) Perpetual care of graves, markers, and cemetery embellishments.

(d) The payment of expenses incidental to the disinterment, removal, and reinterment.

(e) Any other purpose consistent with the objects for which the cemetery authority owning the cemetery is created or organized.

(Amended by Stats. 1939, Ch. 1071.)

Use of  
money in  
treasury:  
Expense of  
removal

7926. Whenever any cemetery corporation or association has declared for removal and has published notice of its intention to make removals under this chapter, it may employ any money in its treasury to defray the expense of removal, including:

(a) The expense of purchasing or otherwise providing a suitable place for the interment of remains in any other cemetery.

(b) The expenses of disinterment, transportation and reinterment.

(c) The expenses of removal and disposal of vaults, monuments, headstones, copings, or other improvements.

(d) All necessary expenses incident to the sale or mortgaging of any land from which removals have been made.

(e) All other expenses necessarily incurred in carrying out the removal, and reinterment, or disposing of remains so removed.

(f) All expenses incident to any of the above purposes.

Care and  
maintenance

7927. From the money remaining in the treasury of the cemetery corporation or association after completing the removal and reinterment of the remains from its cemetery lands and the payment of all incidental expenses, the cemetery

corporation or association shall set aside an adequate fund for the perpetual maintenance and care of the cemetery in which the remains have been reinterred.

7928. After making provision for perpetual maintenance and care, the governing body of the cemetery corporation or association may use such portion of the funds then remaining as it may determine to be just and fair in reimbursing those who voluntarily and at their own cost and expense removed the remains of friends or relatives from the cemetery lands from which the remains were ordered removed. Such reimbursement shall not be greater in amount than the average cost to the cemetery corporation or association for removals directly made by it. Reimbursement

7929. Any balance remaining in the fund may be used for such other purposes as the cemetery corporation or association may lawfully declare. Balance

7930. Whenever any cemetery corporation or association having a governing body has caused the removal of remains from all or any portion of its cemetery and has funds in its treasury which are not required for other purposes, it may set aside, invest, use, and apply from such unexpended funds such sum as, in the judgment of the governing body, it is necessary or expedient to provide for the perpetual or other care or improvement of any cemetery in which the disinterred remains may be reinterred. Unexpended treasury funds

7931. In lieu of itself investing, using or applying the funds for care or improvement, the cemetery corporation or association may transfer the funds to any other corporation under such conditions and regulations as in the judgment of the governing body will insure their application to the purposes of care or improvement. Transfer

7932. Before any such transfer of funds is made, the cemetery corporation or association shall obtain an order authorizing the transfer from the superior court of the county where the cemetery or portion from which the remains were removed is situated. Court order

7933. The order shall be obtained upon petition of the cemetery corporation or association, after such notice by publication as the court may direct, and any member or former plot owner may support or oppose the granting of the order by affidavit or otherwise. Before making the order, proof shall be made to the satisfaction of the court that notice has been given and that it is for the best interests of the cemetery corporation or association that the transfer be made. Petition  
Proof

## Article 9. New Land, Mausoleum or Columbarium

New lands:  
Survey, etc.

7950. Whenever any cemetery authority owning or controlling cemetery lands from which remains are to be removed has acquired the possession or use of any cemetery for the purpose of providing a place for the reinterment of human remains removed under this chapter, new lands may be surveyed and subdivided into plots, avenues, and walks for cemetery purposes; and any mausoleum and columbarium may be divided into crypts or niches.

Sale of  
plots, etc.

7951. Plots, crypts, or niches may be sold to persons desiring to make reinterments.

Releases

7952. The governing body of any cemetery corporation or association may receive and accept as part or full consideration for the purchase price of new plots full or partial releases of rights in or to the whole or any part of the assets of the corporation or association other than the plot conveyed to the purchaser. Any retransfer to the cemetery corporation or association of any plot in the cemetery from which the removal of the human remains is to be made operates as such release.

Identifying  
marker

7953. After the removal and reinterment of remains disinterred from any cemetery the cemetery authority shall cause to be erected upon or imbedded in any plot in which any remains are reinterred a suitable permanent marker identifying the remains.

Maps,  
plans, etc.

7954. The cemetery authority shall prepare a complete map or plat describing and showing the location and subdivision into plots of the cemetery lands where remains are reinterred, or a plan of any mausoleum or columbarium in which such remains are interred; and there shall be attached to each plan a description of the name, where known, of each person whose remains are reinterred, and the plot in the cemetery, or the niche or compartment in the mausoleum or columbarium where such remains are reinterred.

Public  
inspection

7955. The map or plan shall be kept on file in the office of the cemetery authority and shall at all times be open to inspection by the relatives or friends of deceased persons whose remains are reinterred therein.

## Article 10. Taxation

Taxation

7975. When any law or ordinance requires that the remains interred in any cemetery be removed and reinterred elsewhere, no county, town or political subdivision in which the reinterment of disinterred remains takes place, shall charge for any permit or levy a tax of any nature for the reinterment.



## Article 11. Religious Observances

7980. The heirs, relatives or friends of any decedent whose remains have been interred in any cemetery owned, governed or controlled by any religious corporation or by any church or religious society of any denomination or by any corporation sole administering temporalities of any religious denomination, society or church, or owned, governed or controlled by any person or persons as trustee or trustees for any religious denomination, society or church shall not disinter, remove, reinter or dispose of any such remains except in accordance with the rules, regulations and discipline of such religious denomination, society or church. Religious observances

The officers, representatives or agents of the church or religious society shall be the sole judge of the requirements of the rules, regulations and discipline of such religious denomination, society or church.

## DIVISION 8. CEMETERIES

### PART 1. GENERAL PROVISIONS

#### CHAPTER 1. CEMETERY DEFINED

8100. Six or more human bodies being buried at one place constitute the place a cemetery. Cemetery defined

#### CHAPTER 2. VANDALISM

8101. Every person is guilty of a misdemeanor and punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment for not exceeding six months, or by both, who unlawfully or without right wilfully does any of the following: Criminal offenses

(a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down, or removes: Any tomb, monument, memorial, or marker in a cemetery, or any gate, door, fence, wall, post or railing, or any inclosure for the protection of a cemetery or any property in a cemetery.

(b) Obliterates any grave, vault, niche, or crypt.

(c) Destroys, cuts, breaks or injures any building, statuary, ornamentation, tree, shrub, or plant within the limits of a cemetery.

(d) Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service, or an interment.

(Amended by Stats. 1939, Ch. 339.)

8102. Any person violating any provision of this chapter is liable, in a civil action by and in the name of the cemetery authority, to pay all damages occasioned by his unlawful acts. The sum recovered shall be applied in payment for the repair and restoration of the property injured or destroyed. Civil penalty

**Exemptions** 8103. The provisions of this chapter do not apply to the removal or unavoidable breakage or injury, by a cemetery authority, of any thing placed in or upon any portion of its cemetery in violation of any of the rules or regulations of the cemetery authority, nor to the removal of anything placed in the cemetery by or with the consent of the cemetery authority which has become in a wrecked, unsightly, or dilapidated condition.

### CHAPTER 3. RECORDS

**Keeping and contents** 8110. The person in charge of any premises on which interments or cremations are made shall keep a record of all remains interred or cremated and of the interment of remains on the premises under his charge, in each case stating the name of each deceased person, place of death, date of interment, and name and address of the funeral director.

**Inspection** 8111. The records shall at all times be open to official inspection.

**When no person in charge of cemetery** 8112. When making an interment in a cemetery having no person in charge, the funeral director shall sign the burial or removal permit, giving the date of interment, and shall write across the face of the permit the words "No person in charge," and file the burial or removal permit within 10 days with the registrar of vital statistics of the district in which the cemetery is located.

## PART 2. PUBLIC CEMETERIES

### CHAPTER 1. GENERAL PROVISIONS

**Acquisition of cemetery: Public lands** 8125. Incorporated cities, and for unincorporated towns the supervisors of the county, may survey, lay out, and dedicate for burial purposes not exceeding five acres of public lands situated in or near the city or town. The survey, description, and a certified copy of the order made constituting the land a cemetery shall be recorded in the recorder's office of the county in which it is located.

(Amended by Stats. 1939, Ch. 339.)

**By public user** 8126. The title to lands situated in or near any city and used by the inhabitants without interruption as a cemetery for five years is vested in the inhabitants of the city and the lands shall not be used except as a public cemetery.

(Amended by Stats. 1939, Ch. 339.)

**By purchase, etc.** 8127. The inhabitants of any city may by subscription or otherwise purchase or receive by gift or donation, lands not exceeding five acres to be used as a cemetery, the title to be vested in the inhabitants, which lands when once dedicated to use for burial purposes, shall not thereafter be used for any other purpose.

(Amended by Stats. 1939, Ch. 339.)

8128. The governing body having control of a public cemetery shall require a register of name, age, birthplace, date of death, and burial of every body interred therein, to be kept by the sexton or other officer. The register shall be open to public inspection. Register

8129. The public cemeteries of cities, towns, or neighborhoods or of fraternal or beneficial associations or societies shall be inclosed and laid off into plots. Plots, etc.

8130. The general management, conduct, and regulation of burials, the disposition of plots, and keeping the plots in order, are under the jurisdiction and control of the city owning the cemetery. Management:  
When owned  
by city  
(Amended by Stats. 1939, Ch. 339.)

8131. If not owned by a city or by a fraternal or beneficial association or society, public cemeteries are under the jurisdiction and control of the board of supervisors of the county in which they are situated. When not  
owned by  
city, etc.

8132. Public cemeteries of fraternal or beneficial associations or societies are under the jurisdiction of and controlled and managed by the associations or societies or by trustees appointed by them. When owned  
by fraternal  
society, etc.

8133. The authorities having jurisdiction and control of cemeteries may make and enforce general rules and regulations, and appoint sextons or other officers to enforce obedience to the rules and regulations, with such powers and duties regarding the cemetery as may be necessary. Rules and  
regulations

### PART 3. PRIVATE CEMETERIES

#### CHAPTER 1. GENERAL PROVISIONS

8250. The provisions of this part do not apply to any of the following: Scope of part

(a) Any religious corporation, church, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them.

(b) Any public cemetery.

(c) Any private or fraternal burial park not exceeding 10 acres in area, heretofore established.

(Amended by Stats. 1939, Ch. 339.)

8251. The provisions of this part do not affect the corporate existence of any cemetery organized under any law then existing prior to August 14, 1931, and as to such cemeteries, and their rights, the laws under which the corporation was organized and existed and under which such rights became vested are applicable. Same



**Cemetery corporation** 8252. It is unlawful for any corporation, copartnership, firm, trust, association, or individual to engage in or transact any of the businesses of a cemetery within this State except by means of a corporation duly organized for that purpose.

**Effect on powers, etc.** 8253. The powers, privileges, duties and restrictions conferred and imposed upon any corporation, firm, copartnership, association, trust or individual, existing and doing business under the laws of this State, are hereby enlarged or modified as each particular case may require to conform to the provisions of this part notwithstanding anything to the contrary in their respective articles of incorporation, charter or other evidence of organization.

## CHAPTER 2. OPERATION AND MANAGEMENT

### Article 1. General Provisions

**Who may operate** 8275. Any private corporation authorized by its articles so to do, may establish, maintain, manage, improve, or operate a cemetery, and conduct any or all of the business of a cemetery, either for or without profit to its members or stockholders.

### Article 2. Rules and Regulations

**Rules and regulations** 8300. A cemetery authority may make, adopt, amend, add to, revise, or modify, and enforce rules and regulations for the use, care, control, management, restriction and protection of all or any part of its cemetery and for the other purposes specified in this article.

**Use of property** 8301. It may restrict and limit the use of all property within its cemetery.

**Structures: Uniformity, etc.** 8302. It may regulate the uniformity, class, and kind of all markers, monuments, and other structures within the cemetery and its subdivisions.

**Erection** 8303. It may prohibit the erection of monuments, markers, or other structures in or upon any portion of the cemetery.

**Removal** 8304. It may regulate or prohibit monuments, effigies, and structures within any portion of the cemetery and provide for their removal.

**Plants** 8305. It may regulate or prevent the introduction or care of plants or shrubs within the cemetery.

**Interment** 8306. It may prevent interment in any part of the cemetery of human remains not entitled to interment and prevent the use of interment plots for purposes violative of its restrictions or rules and regulations.

8307. It may regulate the conduct of persons and prevent improper assemblages in the cemetery. Conduct of persons

8308. It may make and enforce rules and regulations for all other purposes deemed necessary by the cemetery authority for the proper conduct of the business of the cemetery, for the transfer of any plot or the right of interment, and the protection and safeguarding of the premises, and the principles, plans, and ideals on which the cemetery is conducted. Other purposes

(Amended by Stats. 1939, Ch. 339.)

8309. The rules and regulations shall be plainly printed or typewritten and maintained subject to inspection in the office of the cemetery authority or in such place or places within the cemetery as the cemetery authority may prescribe. Printing and inspection of rules

### Article 3. Police Power

8325. The sexton, superintendent or other person in charge of a cemetery, and such other persons as the cemetery authority designates have the authority of a peace officer for the purpose of maintaining order, enforcing the rules and regulations of the cemetery association, the laws of the State, and the ordinances of the city or county, within the cemetery over which he has charge, and within such radius as may be necessary to protect the cemetery property. Police power

(Amended by Stats. 1939, Ch. 339.)

### Article 4. Records

8330. A record shall be kept of every interment showing the date the human remains were received, the date of interment, the name and age of the person interred, when these particulars can be conveniently obtained, and the plot in which interment was made. Record of interments

8331. A record shall be kept of the ownership of all plots in the cemetery which have been conveyed by the cemetery authority and of all transfers of plots in the cemetery. No transfer of any plot, heretofore or hereafter made, or any right of interment, shall be complete or effective until recorded on the books of the cemetery authority. Record of ownership

(Added by Stats. 1939, Ch. 339.)

### Article 5. Operation of Crematories

8340. No crematory shall conduct, or shall hereafter be constructed, established, or authorized to conduct, any business unless there is in connection therewith in the same fireproof building or structure or in a separate fireproof building within the same cemetery, either: Required facilities

A columbarium, a burial park or mausoleum amply equipped at all times for the interment of remains of bodies cremated at the crematory.

(Amended by Stats. 1939, Ch. 339.)

Interment 8341. All cremated remains not removed for interment elsewhere shall be interred in a plot within a reasonable time after cremation.

### Article 6. Contract Limitations

General powers 8350. Unless otherwise limited by the law under which created, cemetery authorities shall in the conduct of their business have the same powers granted by law to corporations in general, including the right to contract such pecuniary obligations within the limitation of general law as may be required, and may secure them by mortgage, deed of trust, or otherwise upon their property.

Subordination of liens 8351. All mortgages, deeds of trust, and other liens of any nature, hereafter contracted, placed or incurred upon property which has been and was at the time of the creation or placing of the lien, dedicated as a cemetery pursuant to this part, or upon property which is afterwards, with the consent of the owner of any mortgage, trust deed, or lien, dedicated to cemetery purposes pursuant to this part, shall not affect or defeat the dedication, but the mortgage, deed of trust or other lien is subject and subordinate to such dedication and any and all sales made upon foreclosure are subject and subordinate to the dedication for cemetery purposes.

### Article 7. Restrictions on Officers

Borrowing funds, etc. 8360. No director or officer of any cemetery authority shall directly or indirectly, for himself or as the partner or agent of others, borrow any funds of the corporation or association, nor may he become an indorser or surety for loans to others, nor in any manner be an obligor for money borrowed of or loaned by the corporation or association, nor shall a corporation of which a director or an officer is a stockholder, or in which either of them is in any manner interested, borrow any of the funds of the corporation or association.

Loss of office 8361. The office of any director or officer who acts or permits action contrary to this article immediately thereupon becomes vacant.

Criminal penalty 8362. Every director or officer authorizing or consenting to a loan, and the person who receives a loan, in violation of this article are severally guilty of a misdemeanor.

## CHAPTER 3. ACQUISITION, DEDICATION AND SALE

### Article 1. Acquisition of Property

Acquisition of property 8500. Cemetery authorities may take by purchase, donation or devise, property consisting of lands, mausoleums, crematories, and columbariums, or other property within which the interment of the dead may be authorized by law.



## Article 2. Declaration of Intention

8525. A cemetery authority may execute a declaration Execution acknowledged so as to entitle it to be recorded, describing the property and declaring its intention to use all or part of the property for cemetery purposes.

8526. The declaration may be filed for record in the office Recording of the recorder of the county in which the property is situated, and from the date of filing the declaration is constructive notice of the use for which the property is intended.

## Article 3. Dedication

8550. Every cemetery authority, from time to time as its Survey and map property may be required for interment purposes, shall:

(a) In case of land, survey and subdivide it into sections, blocks, plots, avenues, walks or other subdivisions; make a good and substantial map or plat showing the sections, plots, avenues, walks or other subdivisions, with descriptive names or numbers.

(b) In case of a mausoleum, or crematory and columbarium it shall make a good and substantial map or plat on which shall be delineated the sections, halls, rooms, corridors, elevations, and other divisions, with descriptive names or numbers.

8551. The cemetery authority shall file the map or plat in Filing: Map the office of the recorder of the county in which all or a portion of the property is situated. The cemetery authority shall also file for record in the county recorder's office a written declaration of dedication of the property delineated on the plat or map, dedicating the property exclusively to cemetery purposes. Declaration of dedication

8552. The declaration shall be in such form as the ceme- Form and execution of declaration tery authority may prescribe, and shall be subscribed by the president or vice president, and the secretary, or other persons whom the cemetery authority may authorize, and shall be acknowledged so as to entitle it to be recorded.

8553. Upon the filing of the map or plat and the filing of When dedication complete the declaration for record, the dedication is complete for all purposes and thereafter the property shall be held, occupied, and used exclusively for a cemetery and for cemetery purposes.

8554. When reservation is made in the declaration of dedi- Resurvey cation, any part or subdivision of the property so mapped and platted may, by order of the directors, be resurveyed and altered in shape and size and an amended map or plat filed, so long as such change does not disturb the interred remains of any deceased person.

- Constructive notice** 8555. The filed map or plat and the recorded declaration are constructive notice to all persons of the dedication of the property to cemetery purposes.
- Map: Indexing** 8556. The county recorder of the county in which a map or plat is filed shall number, file, and index it in the general index, giving reference to date of filing and number so that it may easily be found. The recorder shall receive a fee of one dollar (\$1) for this service.
- Fee**
- Declaration: Recording and indexing** 8557. The county recorder of the county in which a declaration of dedication is filed shall record it in the official records of his office and index it in the general index. The recorder shall receive a fee of one dollar (\$1) for this service.
- Fee**
- Effect of dissolution, etc.** 8558. After property is dedicated to cemetery purposes pursuant to this chapter, neither the dedication, nor the title of a plot owner, shall be affected by the dissolution of the cemetery authority, by nonuser on its part, by alienation of the property, by any incumbrances, by sale under execution, or otherwise except as provided in this chapter.
- Laws against perpetuities** 8559. Dedication to cemetery purposes pursuant to this chapter is not invalid as violating any laws against perpetuities or the suspension of the power of alienation of title to or use of property, but is expressly permitted and shall be deemed to be in respect for the dead, a provision for the interment of human remains, and a duty to, and for the benefit of, the general public.
- Construction of utility structures** 8560. After dedication pursuant to this chapter, and as long as the property remains dedicated to cemetery purposes, no railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility shall be laid out, through, over, or across any part of it without the consent of the cemetery authority owning and operating it, or of not less than two-thirds of the owners of interment plots.
- Exemptions** 8561. All property dedicated pursuant to this chapter, including roads, alleys, and walks, is exempt from public improvement assessments, and is not liable to be sold on execution or applied in payment of debts due from individual owners of interment plots.

#### Article 4. Sale of Plots

- Authority to sell** 8570. After filing the map or plat and recording the declaration of dedication, a cemetery authority may sell and convey plots subject to such rules and regulations as may be then in effect or thereafter adopted by the cemetery authority, and subject to such other and further limitations, conditions and restrictions as may be inserted in or made a part of the

declaration of dedication by reference, or included in the instrument of conveyance of such plot.

(Amended by Stats. 1939, Ch. 339.)

8571. All plots, the use of which has been conveyed by deed or certificate of ownership as a separate plot, are indivisible except with the consent of the cemetery authority, or as provided by law. Indivisibility of plots sold

8572. All conveyances made by a cemetery authority shall be signed by the president or the vice president, and the secretary, or by other officers authorized by the cemetery authority. Execution of conveyances

### Article 5. Removal of Dedication

8580. Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing and proof satisfactory to the court: Removal of dedication

(a) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed.

(b) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

(Amended by Stats. 1939, Ch. 1032.)

8581. The notice of hearing provided in Section 8580 shall be given by publication once a week for at least three consecutive weeks in a daily newspaper of general circulation in the county where said cemetery is located, and the posting of copies of the notice in three conspicuous places on that portion of the property from which the dedication is to be removed. Said notice shall: Notice of hearing

(a) Describe the portion of the cemetery property sought to be removed from dedication.

(b) State that all remains have been removed or that no interments have been made in the portion of the cemetery property sought to be removed from dedication.

(c) Specify the time and place of the hearing.

(Added by Stats. 1939, Ch. 1032.)

## CHAPTER 4. PROPERTY RIGHTS

### Article 1. General Provisions

8600. All plots conveyed to individuals are presumed to be the sole and separate property of the owner named in the instrument of conveyance. Plots: Presumption of ownership

(Amended by Stats. 1939, Ch. 339.)



**Vested right of spouse** 8601. The spouse of an owner of any plot containing more than one interment space has a vested right of interment of his remains in the plot and any person thereafter becoming the spouse of the owner has a vested right of interment of his remains in the plot if more than one interment space is unoccupied at the time the person becomes the spouse of the owner.

(Amended by Stats. 1939, Ch. 339.)

**Divestment of right** 8602. No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.

(Amended by Stats. 1939, Ch. 339.)

**Descent to heirs, etc.** 8603. If no interment is made in an interment plot which has been transferred by deed or certificate of ownership to an individual owner, or if all remains previously interred are lawfully removed, upon the death of the owner, unless he has disposed of the plot either in his will by a specific devise or by a written declaration filed and recorded in the office of the cemetery authority, the plot descends to the heirs at law of the owner subject to the rights of interment of the decedent and his surviving spouse.

**Tax exemption** 8604. Cemetery property passing to an individual by reason of the death of the owner is exempt from all inheritance taxes.

**Authorization for permitting use** 8605. An affidavit by a person having knowledge of the facts setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the plot pursuant to this chapter, is complete authorization to the cemetery authority to permit the use of the unoccupied portions of the plot by the person entitled to the use of it.

## Article 2. Joint Tenants

**Vested right** 8625. In a conveyance to two or more persons as joint tenants each joint tenant has a vested right of interment in the plot conveyed.

**Death of one tenant** 8626. Upon the death of a joint tenant, the title to the plot held in joint tenancy immediately vests in the survivors, subject to the vested right of interment of the remains of the deceased joint tenant.

**Exemption** 8627. Cemetery property held in joint tenancy is exempt from the provisions of the Code of Civil Procedure relating to proceedings for establishing the fact of death of a person whose death affects title to real property.

8628. An affidavit by any person having knowledge of the facts setting forth the fact of the death of one joint tenant and establishing the identity of the surviving joint tenants named in the deed to any plot, when filed with the cemetery authority operating the cemetery in which the plot is located, is complete authorization to the cemetery authority to permit the use of the unoccupied portion of the plot in accordance with the directions of the surviving joint tenants or their successors in interest.

Authoriza-  
tion for per-  
mitting use

8629. When there are several owners of a plot, or of rights of interment in it, they may designate one or more persons to represent the plot and file written notice of designation with the cemetery authority. In the absence of such notice or of written objection to its so doing, the cemetery authority is not liable to any owner for interring or permitting an interment in the plot upon the request or direction of any co-owner of the plot.

Designation  
of plot rep-  
resentatives

### Article 3. Family Interment Plots

8650. Whenever an interment of the remains of a member or of a relative of a member of the family of the record owner or of the remains of the record owner is made in a plot transferred by deed or certificate of ownership to an individual owner and the owner dies without making disposition of the plot either in his will by a specific devise, or by a written declaration filed and recorded in the office of the cemetery authority, the plot thereby becomes inalienable and shall be held as the family plot of the owner.

Family plot

8651. In a family plot one grave, niche or crypt may be used for the owner's interment; one for the owner's surviving spouse, if any, who by law has a vested right of interment in it; and in those remaining, if any, the parents and children of the deceased owner in order of death may be interred without the consent of any person claiming any interest in the plot.

Interment  
priority

8652. If no parent or child survives, the right of interment goes in the order of death first, to the spouse of any child of the record owner and second, in the order of death to the next heirs at law of the owner or the spouse of any heir at law.

Same

8653. Any surviving spouse, parent, child, or heir having a right of interment in a family plot may waive such right in favor of any other relative or spouse of a relative of the deceased owner, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot.

Waiver

## Article 4. Vested Right of Interment

Waiver 8675. A vested right of interment may be waived and is terminated upon the interment elsewhere of the remains of the person in whom vested.

Limitations on right 8676. No vested right of interment gives to any person the right to have his remains interred in any interment space in which the remains of any deceased person having a prior vested right of interment have been interred, nor does it give any person the right to have the remains of more than one deceased person interred in a single interment space in violation of the rules and regulations of the cemetery in which the interment space is located.

## Article 5. Voluntary Establishment of Inalienability

Interments restricted 8680. A cemetery authority may take and hold any plot conveyed or devised to it by the plot owner so that it will be inalienable, and interments shall be restricted to the persons designated in the conveyance or devise.

## CHAPTER 5. PERPETUAL AND SPECIAL CARE

## Article 1. Care of Old Cemeteries

Scope of article 8700. In addition to those cemeteries to which this part does not apply, this article does not apply to abandoned cemeteries nor to cemeteries in which interments are prohibited.

Vacation and plot platting of roads, etc. 8701. Whenever a majority of the plots in all or any part of a cemetery established prior to August 14, 1931, has been sold without the owner having made provision for the establishment of an adequate perpetual care fund for its perpetual care, maintenance, and embellishment, the avenues, roadways, walks, driveways, alleys, streets and parks in it may be vacated or altered and replatted into plots which may be sold for interment purposes pursuant to this article.

Application 8702. Application for the alteration or vacation or replatting of all or any portion of an alley, street, avenue, walk, driveway, or park, for plots in the cemetery shall be made to the superior court in the county in which all or any portion of the property is situated.

Who may make 8703. The application may be by the cemetery authority owning or operating the cemetery or if there is no cemetery authority operating the cemetery, by 20 or more plot owners.

Petition 8704. The petition shall be verified and shall specify the facts of such ownership and shall state the reasons for the proposed change and what provisions have theretofore been made for the perpetual care of the cemetery.



8705. There shall be presented with the petition a plat of the cemetery and the proposed replat which shall clearly indicate the proposed changes.

8706. The petition shall be filed with the clerk of the superior court, and the clerk shall fix the time for hearing not less than 30 nor more than 60 days from the date of filing.

Time for  
hearing

8707. Notice of the hearing shall be given by publishing a copy of the notice in a newspaper of general circulation near the cemetery in the county in which the property is situated, once a week for three consecutive weeks prior to the date of hearing.

Notice:  
Publication

8708. Copies of the notice shall be posted in three conspicuous places within the cemetery.

Posting

8709. The notice shall:

Contents

(a) Be addressed to all persons owning or interested in plots in the cemetery but need not name them.

(b) Set forth in a general way the proposed changes.

(c) Set forth the reasons stated in the petition for making the changes.

(d) State the time when the hearing of the petition will be had.

(e) State that a plat showing the proposed changes is on file with the clerk of the court.

8710. At the time fixed for the hearing, the court shall hear and consider any evidence introduced in favor of and all objections to the changes and may allow the proposed changes and replat in whole or in part, or may order and allow modifications of the proposed changes. The hearing may be continued from time to time by order of court.

Hearing

(Amended by Stats. 1939, Ch. 339.)

8711. The cemetery authority or other person directed by the court shall accept the newly created plots and shall sell and convey them only for interment purposes at a price not less than the price fixed by the court.

Sale

8712. Not less than 70 per cent of all funds derived from the sale of the plots shall be placed in an irreducible and perpetual fund and the interest earned by the fund shall be used for the cemetery's perpetual care, maintenance, and embellishment.

Disposition  
of proceeds

8713. The vacation of an alley, avenue, roadway, walk, driveway, street, or park adjacent to a privately owned plot does not vest any interest in the owner of the plot to the vacated portion; but the adjacent owner shall, for 10 days after the date of the order of vacation, have the right to purchase the new plots at the price fixed by the court. If there

Vacation of  
road adjacent to plot

is more than one adjacent plot owner, the new plots shall be sold to the one offering the highest price.

Damage  
allowance

8714. In allowing any damages to any plot owner for such vacation, the court shall take into consideration the benefit to be received from perpetual care.

Declaration  
of policy

8715. The provisions of this article are hereby declared to be a necessary exercise of the police power of the State in order to preserve and keep existing cemeteries as resting places for the dead and to preserve cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are located. The taking of roadways, alleys, walks, avenues, driveways, streets and parks for the purposes and by the method in this section specified, regardless of the private character of the association or person applying therefor, is hereby declared an exercise of the right of eminent domain in behalf of the public health, safety, comfort, pleasure, protection, and historic instruction to present and future generations.

## Article 2. Care of Active Cemeteries

Perpetual  
care funds

8725. Every cemetery authority which now or hereafter maintains a cemetery may place its cemetery under perpetual care and establish, maintain, and operate an irreducible perpetual care fund. Perpetual care and special care funds may be commingled for investment and the income therefrom shall be divided between the perpetual care and special care funds in the proportion that each fund contributed to the principal sum invested. The funds may be held in the name of the cemetery authority or its directors or in the name of the trustees appointed by the cemetery authority.

(Amended by Stats. 1939, Ch. 339.)

Principal:  
Maintenance

8726. The principal of all funds for perpetual care shall forever remain irreducible and inviolable and shall be maintained separate and distinct from all other funds.

Investment

8727. The principal of all funds for perpetual care shall be invested, from time to time reinvested, and kept invested and the income earned shall be used solely for the general care, maintenance, and embellishment of the cemetery, and shall be applied in such manner as the cemetery authority may from time to time determine to be for the best interest of the cemetery.

Charges

8728. The cemetery authority may from time to time adopt plans for the general care, maintenance, and embellishment of its cemetery, and charge and collect from all subsequent purchasers of plots such reasonable sum as, in the judgment of the cemetery authority, will aggregate a fund, the reasonable income from which will perpetually provide care, maintenance, and embellishment.

8729. Upon payment of the purchase price and the amount fixed as a proportionate contribution for perpetual care, there may be included in the deed of conveyance or by separate instrument an agreement perpetually to care, in accordance with the plan adopted, for the cemetery and its appurtenances to the proportionate extent the income received by the cemetery authority from the contribution will permit.

Agreements:  
For care of  
cemetery

8730. Upon the application of an owner of any plot, and upon the payment by him of the amount fixed as a reasonable and proportionate contribution for perpetual care a cemetery authority may enter into an agreement with him for the care of his plot and its appurtenances.

For care  
of plot

8731. The cemetery authority may appoint a board of trustees of not less than three in number as trustees of its perpetual care fund. The members of the board of trustees shall hold office subject to the direction of the cemetery authority.

Trustees

8732. The directors of a cemetery authority, if any, may be the trustee of its perpetual care fund. When the fund is in the care of the directors as a board of trustees the secretary of the cemetery authority shall act as its secretary and keep a true record of all of its proceedings.

Same

8733. No sum in excess of 5 per cent of the income derived from the fund in any year shall be paid as compensation to the board of trustees for its services as trustee.

Compensation

8733.5. In lieu of the appointment of a board of trustees of its perpetual care fund, any cemetery authority may appoint as sole trustee of its perpetual care fund any bank or trust company qualified under the provisions of the Bank Act of the State of California to engage in the trust business.  
(Added by Stats. 1941, Ch. 176.)

Bank as  
trustee

8734. The cemetery authority or the persons in whose names the funds are held shall, annually, and within 30 days after the end of the calendar or fiscal year of the cemetery authority, make and file with it a true and correct written report, verified by an officer of the cemetery authority or by the oath of one or more of the trustees, showing the actual financial condition of the funds.

Report

(Amended by Stats. 1939, Ch. 339.)

8735. A cemetery authority which has established a perpetual care fund may take, receive, and hold as a part of or incident to the fund any property, real, personal or mixed, bequeathed, devised, granted, given or otherwise contributed to it for its perpetual care fund.

Property  
incidental  
to fund



Nature of  
perpetual  
care

8736. The perpetual care fund and all payments or contributions to it are hereby expressly permitted as and for charitable and eleemosynary purposes. Perpetual care is a provision for the discharge of a duty due from the persons contributing to the persons interred and to be interred in the cemetery and a provision for the benefit and protection of the public by preserving and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated.

Uncertainty  
of benefi-  
ciaries, etc.

8737. No payment, gift, grant, bequest, or other contribution for general perpetual care is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the trust, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.

Perpetual  
care  
cemetery

8738. A perpetual care cemetery is one which shall hereafter deposit in its perpetual care fund out of the initial sale not less than the following amounts for plots sold or disposed of:

- (a) Twenty-five cents (\$0.25) a square foot for each grave;
- (b) Five dollars (\$5) for each niche;

(c) Fifteen dollars (\$15) for each crypt; provided, however, that in the event there shall be located upon any one property or contiguous properties, a mausoleum or mausoleums containing in the aggregate 6,000 crypts under the actual ownership of one cemetery authority; and provided also, that there shall have been deposited in said perpetual care fund mentioned in this code, a sum equal to ten dollars (\$10) from the initial sale or disposal of each crypt theretofore sold or disposed of, including perpetual care funds accumulated prior to the passage of this code, then and thereafter such perpetual care cemetery shall be required to deposit in the perpetual care fund mentioned in this code, not less than the sum of ten dollars (\$10) for each crypt thereafter sold or disposed of.  
(Added by Stats. 1939, Ch. 339.)

Nonper-  
petual care  
cemetery

8739. A nonperpetual care cemetery is one that does not deposit in a perpetual care fund the minimum amounts specified in Section 8738.

(Added by Stats. 1939, Ch. 339.)

Other per-  
petual care  
cemeteries

8740. A cemetery which otherwise complies with Section 8738 may be designated a perpetual care cemetery even though it contains a small section which may be sold without perpetual care, if the section is separately set off from the remainder of the cemetery and if signs are kept prominently placed around the section designating the same as a "nonperpetual care section" in lettering equivalent to a minimum of 48-point black type. There shall be printed at the head of all contracts,

agreements, statements, receipts and certificates of ownership or deeds referring to plots in the section the phrase "nonperpetual care" in lettering equivalent to a minimum of 10-point number two black type.

(Added by Stats. 1939, Ch. 339.)

8741. Each perpetual care cemetery shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign which shall contain the following information in the order and manner set forth below:

Posted  
notice: Per-  
petual care

(a) A heading containing the words "perpetual care"—which shall appear in a minimum of 48-point black type.

(b) This is a perpetual care interment property.

(c) Names of officers and directors of the cemetery authority and persons entrusted with the investment of the perpetual care fund.

(Added by Stats. 1939, Ch. 339.)

8742. Each perpetual care cemetery shall file in its office **a written report which shall contain:**

Report

(a) Amount of principal of the perpetual care fund.

(b) Total amount invested in bonds, securities or other investments authorized by law and the total amount of cash on hand not invested which shall actually show the financial condition of the trust.

(c) Number of square feet of grave space and number of crypts and niches under perpetual care, prior to and subsequent to the enactment of this section, each separately set forth.

(Added by Stats. 1939, Ch. 339.)

8743. Each nonperpetual care cemetery shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign which shall contain the following information in the order and manner set forth below:

Posted  
notice: Non-  
perpetual  
care

(a) A heading containing the words "nonperpetual care"—shall appear in a minimum of 48-point black type.

(b) This is not a perpetual care interment property.

(c) Names of officers and directors of the cemetery authority.

(Added by Stats. 1939, Ch. 339.)

8744. There shall be printed at the head of all contracts, agreements, statements, receipts, literature and other publications of nonperpetual care cemeteries the following form:

Notice on  
contracts

"This institution is operated as a 'nonperpetual care' interment property." The phrase "nonperpetual care" shall appear in a minimum of 10-point number two black type.

(Added by Stats. 1939, Ch. 339.)

Verification 8745. All the information appearing on the signs and report filed in the cemetery office shall be revised annually and verified by the president and secretary, or two officers authorized by the cemetery authority.

(Added by Stats. 1939, Ch. 339.)

Penalty 8746. Any person, partnership, corporation, association, or his or its agents or representatives, who shall violate any of the provisions of this article, or make any wilful or false statement appearing on said sign, contract, agreement, receipt, statement, literature or other publication shall be guilty of a misdemeanor.

(Added by Stats. 1939, Ch. 339.)

### Article 3. Investment of Perpetual Care Funds

Limitation on use 8750. Perpetual care funds shall not be used for any purpose other than to provide through income only for the perpetual care stipulated in the resolution, by-law, or other action or instrument by which the fund was established.

Investments 8751. The funds shall be invested and reinvested, and kept invested in:

(a) Bonds of the United States or this State, or of any county, city and county, or city in this State.

(b) Bonds legal for investment for savings banks in this State.

(c) First mortgages or first trust deeds on improved real estate.

(d) Income producing improved real estate in any city or city and county in this State.

(e) Investment certificates in any building and loan association organized, existing and doing business under the laws of this State.

(f) Investments of the type enumerated for domestic incorporated insurers in Article 3, Chapter 2, Part 2, of Division 1 of the Insurance Code of this State.

(g) By deposit in a bank which is insured by the Federal Deposit Insurance Corporation.

(h) Shares of a duly chartered and insured Federal Savings and Loan Association.

(Amended by Stats. 1939, Ch. 339.)

### Article 4. Special Care

Property for special purposes 8775. A cemetery authority which has established perpetual care may also take and hold any property bequeathed, granted, or given to it in trust to apply the principal, or proceeds, or income to either or all of the following purposes:

(a) Improvement or embellishment of all or any part of the cemetery or any lot in it.

(b) Erection, renewal, repair, or preservation of any monument, fence, building, or other structure in the cemetery.



(c) Planting or cultivation of trees, shrubs, or plants in or around any part of the cemetery.

(d) Special care or ornamenting of any part of any plot, section, or building in the cemetery.

(e) Any purpose or use not inconsistent with the purpose for which the cemetery was established or is maintained.

8776. The sums paid in or contributed to the fund authorized by this article are hereby expressly permitted as and for a charitable and eleemosynary purpose. Such contributions are a provision for the discharge of a duty due from the persons contributing to the person or persons interred or to be interred in the cemetery and likewise a provision for the benefit and protection of the public by preserving, beautifying, and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated. No payment, gift, grant, bequest, or other contribution for such purpose is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the fund, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.

Nature of contributions

Uncertainty of beneficiaries, etc.

#### Article 5. Misrepresentations as to Perpetual Care

8780. Every person who sells, offers for sale, or advertises, any plot under representation that the plot is under perpetual care, before a perpetual care fund has been established for the cemetery in which the plot is situated, is guilty of a misdemeanor.

Misrepresentation

#### CHAPTER 6. REINCORPORATION OF CEMETERY ASSOCIATIONS

8800. When the corporate existence of a cemetery association expires or has expired, and the directors, trustees, or persons in control of the association cause it to continue to exercise its functions, if the cemetery association was a non-stock corporation it may reincorporate by filing with the Secretary of State articles of reincorporation and a certificate of intention to reincorporate pursuant to this chapter.

Reincorporation

8801. The articles of reincorporation shall state:

Articles

(a) The name of the reincorporating cemetery association.

(b) The purposes for which it is formed.

(c) The county in which the principal office for the transaction of the business of the association is to be located.

(d) The stock, certificate, or membership structure.

(e) The names and addresses of the persons, not less than three, who are appointed to act as first directors or trustees of the reincorporated association.

(f) The name of the former association which is being reincorporated.

(g) Any provisions allowed by law to be stated in articles of incorporation.

Certificate 8802. The certificate of intention to reincorporate shall contain or have annexed to it by exhibit:

(a) A statement showing the period the association has acted in a de facto capacity.

(b) A statement of the names, number, length of service in that capacity, and compensation of directors, trustees or persons in control of the association.

(c) A statement of the number of membership certificates issued during the de facto period, and the amount paid for them.

(d) A copy of the resolution of intention to reincorporate with a certificate of the person acting as secretary, showing that it was adopted by a majority of the acting directors, trustees, or persons in control at the time.

(e) A statement that the association failed to reincorporate prior to expiration of the period of corporate existence under the last articles filed by it.

Filing:  
Secretary  
of State 8803. If the Secretary of State finds that the articles of reincorporation and the certificate comply with the provisions of this chapter, he shall file them in his office and indorse on them the date of filing.

Corporate  
existence 8804. The corporate existence under the articles of reincorporation begins at the time of the filing of the articles and continues perpetually unless otherwise provided by law.

Filing:  
County clerk 8805. A certified copy of the articles of reincorporation shall be filed with the county clerk of the county in which the principal office of the association is located, and in every county in which the association owns real property.

Vesting of  
property,  
etc. 8806. Upon reincorporation all of the assets and real and personal property of the cemetery association whose corporate existence has expired vests, by operation of law, in the reincorporated cemetery association. The reincorporated association succeeds to all rights and obligations of the former association and all members or certificate holders in the former association are members or certificate holders in the reincorporated cemetery association.

## PART 4. PUBLIC CEMETERY DISTRICTS

### CHAPTER 1. GENERAL PROVISIONS

Territory 8890. Public cemetery districts consisting of contiguous lands in one or more counties may be formed pursuant to this part.

"District" 8891. "District," as used in this part, means any public cemetery district organized pursuant to this part or pursuant to any law which it supersedes.

8892. "Trustees," as used in this part, means the board of "Trustees" trustees of a district.

## CHAPTER 2. PETITION

8900. Fifty or more citizens who are owners of land located within a proposed district, whose names appear as owners upon the last completed assessment roll of the county in which a majority of the acreage of the proposed district is situated, may petition for the organization of a district. Petition

8901. The petition shall definitely describe the boundaries of the proposed district and request that the territory within the boundaries be organized into a district. Contents

8902. The petition shall be presented to the board of supervisors of the county in which a majority of the acreage of the proposed district is situated, at a regular or special meeting of the board. Presentation

8903. The petition may consist of any number of separate instruments, which, except as to signatures, shall be duplicates. Separate instruments

## CHAPTER 3. NOTICE OF HEARING

8910. The board of supervisors, by resolution, shall fix a time for hearing the petition not less than two nor more than five weeks from the time of presentation, and shall cause notice to be given at the time and place of hearing, by publication in some newspaper of general circulation, printed and published in the county, for not less than two weeks prior to the time of hearing. Publication

8911. The notice shall contain a copy of the petition, but the names attached to the petition need not be included in the notice or publication. Copy of petition

8912. The notice shall state that any person residing in or owning property within the proposed district or within any existing cemetery district, any part of the territory of which is described in the petition, may appear before the board at the hearing, and show cause why the petition should not be granted, or why the proposed boundaries should be changed. Statement

## CHAPTER 4. HEARING

8920. At the time fixed for hearing, the board of supervisors shall hear the petition and shall determine by resolution whether or not it complies with this part and whether or not notice has been published as required. The board shall hear all competent and relevant testimony offered in support of or in opposition to the petition. Determination  
Testimony



**Adjournment** 8921. The hearing may be adjourned from time to time, not exceeding two weeks in all.

**Defects** 8922. No defect in the contents of the petition or in the title to or form of the notice or in the signatures vitiates any proceeding if the petition has sufficient qualified signatures.

**Finding** 8923. A finding of the board of supervisors in favor of the genuineness and sufficiency of any petition presented to it pursuant to this part, and a finding that due notice of hearing has been given, is final and conclusive against all persons except the State of California, upon suit commenced by the Attorney General. Any such suit shall be commenced within one year after the order of the board of supervisors declaring the district organized.

**Sufficiency of petition and notice** 8924. If the board of supervisors determines that the petitioners have complied with this part and that the notice has been published as required, it shall proceed to a final hearing.

**Boundaries** 8925. The board shall make such changes in the boundaries of the proposed district as it deems advisable and shall define and establish the boundaries, and may include any territory described in the petition which is within the boundaries of an existing cemetery district, and, if so included by the board, the territory, upon the organization of the proposed district, shall cease to be a part of the existing district.

**Opposition** 8926. Any person residing or owning property within the proposed district or within an existing cemetery district may appear before the board of supervisors at the hearing, in person or by attorney or agent, and oppose the creation of the district or request a change in its boundaries and may produce evidence in support of his opposition or request.

## CHAPTER 5. PROTEST AND ELECTION

**Protest** 8930. Registered voters within the boundaries of the proposed district, equal in number to at least 10 per cent of the number of votes cast for the office of Governor at the last preceding gubernatorial election, or the owners of more than 10 per cent of the total assessed valuation of the land in the proposed district may appear at the hearing, in person, or by attorney or agent, and protest the creation of the district or request a change in its boundaries.

**Special election** 8931. Before any new district is created, the board shall call a special election to determine whether or not the district shall be created.

(Amended by Stats. 1941, Ch. 933.)

**Time and place, etc.** 8932. If the election is called, the board shall, in its order, specify the time and place for the election, the voting places and the number of precincts within the district, if in the judg-

ment of the board more than one voting place is necessary, and shall, in its order, appoint and designate two judges and one clerk for each polling place.

8933. The election officials shall be qualified electors of the district, and shall conduct the election. Election officials

8934. The election shall be held in all respects as nearly as practicable in conformity with the general election law. Election law

8935. A new register or legal ballot paper shall not be required. The polls shall be open from 8 o'clock a.m. to 7 o'clock p.m., on the day appointed for the election. Register, polls

8936. The ballots shall contain the words "Cemetery District, Yes" and "Cemetery District, No." Ballots

8937. The judges of the election shall within 24 hours after the closing of the election, make return of and certify the votes to the board, showing the total number of votes cast, the number of votes in favor of and the number of votes against creation of the district. Vote return

8938. If two-thirds or more of the votes are cast in favor of the formation of the district, the board of supervisors shall proceed with the organization. Favorable vote

(Amended by Stats. 1941, Ch. 933.)

8939. If more than one-third of the votes are cast against the formation of the district, all further action by the board under the petition shall cease, and no further or other petition for the organization of a cemetery district in the territory specified in the petition shall be received or acted upon within six months after the election. Unfavorable vote

(Amended by Stats. 1941, Ch. 933.)

8940. Upon conclusion of the canvass of the ballots of the election, if one is held, and if the returns of the election are favorable to the formation of a district, and upon conclusion of the hearing of the matter, if no election is held, the board shall, by an order entered in its minutes, approve the petition as originally presented or as modified, and declare the territory embraced within the boundaries established by the board organized as a district. Approval of petition

8941. The board shall then cause a certified copy of the order to be immediately filed for record in the office of the county recorder of the county. From and after the filing, the organization of the district is complete. Declaration

## CHAPTER 6. GOVERNMENT

8950. The district shall be governed and managed by three trustees, appointed by the board of supervisors of the county, or if the district is in more than one county, by the supervisors Trustees

of the county in which the largest portion of the district is located.

**Qualifications** 8951. The trustees shall be appointed from the electors residing within the district.

**Terms, compensation** 8952. The trustees shall hold office for four years and until the appointment and qualifications of their successors, and shall serve without compensation.

## CHAPTER 7. POWERS

**Seal, suits** 8960. A cemetery district may adopt and use a common seal and may sue and be sued by its name.

**Cemetery** 8961. The district may maintain a cemetery or cemeteries, limited in use to burial in the ground of residents of the district or of members of the family of a resident who has theretofore purchased a burial plot.

**Streets, etc.** 8962. The district may maintain and care for all public streets, alleys, ways, and places, in any cemetery within the district, and for these purposes may take and hold title to property by grant, gift, devise, lease, or any other method.

**Necessary acts** 8963. The district may do all acts necessary or proper for the carrying out of the purposes of this part, including the selling or leasing of burial lots.

**Map** The trustees shall prepare or cause to be prepared and shall maintain an up-to-date map of the cemetery showing by section and lot number which lots have been sold or leased for burial purposes and which lots are still owned by the district and available for sale or lease.

(Amended by Stats. 1943, Ch. 579.)

**Rules and regulations** 8964. The trustees shall make proper rules and regulations for the management of the cemeteries under their control, and all laws relating to cemeteries, and not inconsistent with this part, apply to the cemeteries provided for in this part.

## CHAPTER 8. FINANCE AND TAXATION

### Article 1. Estimate of Expenses

**Estimate** 8970. The trustees shall annually, at or before the time fixed by law for filing estimates of expenditures, estimate and certify to the board of supervisors of the county in which the district is situated, the amount of money necessary to be raised by taxation for maintaining the cemetery of the district, and for the acquisition of property necessary for the purposes of the district during the ensuing fiscal year.

**Division** 8971. If the district is in more than one county, the total estimate shall be divided by the board of trustees in proportion to the value of the real property of the district in each county.



8972. This value shall be determined from the equalized Value values of the last assessment rolls of the counties.

8973. When the division of the estimate has been made, Certification the trustees shall certify to the board of supervisors of the respective counties that part of the estimate apportioned to each county.

## Article 2. Taxation

8980. The board of supervisors of each county in which is Tax levy situated all or any part of a district shall annually, at the time of levying county taxes, levy a tax upon all the property within the district situated in the county sufficient to raise the amount so certified to the board of supervisors by the trustees.

8981. The tax so levied shall not exceed two mills on each Maximum dollar of assessed valuation of the property in the district. tax

8982. The tax shall be collected by the same officers and in the same manner as other county taxes, and the money and all other money received by the trustees, shall be paid into the county treasury and constitute a separate fund. The fund shall be expended solely for the purposes of the cemetery district upon warrants issued by the county auditor on orders signed by not less than two of the trustees. Collection and dis-position of taxes

All money received or collected by the trustees shall be paid into the county treasury on or before the fifth day of the month following the month in which the same was received or collected.

(Amended by Stats. 1943, Ch. 579.)

8983. If the district is in more than one county, the treasurer of the county in which the district was organized shall be the repository of all the funds of the district. For this purpose the treasurers of any other counties in which is situated a portion of the district, shall, at any time, but not oftener than twice each year, upon the order of the trustees, settle with the trustees and pay over to the treasurer of the county in which the district was organized, all money in their possession belonging to the district. Fund repository

8984. The treasurer of the county in which the district was organized shall receive and receipt for the money and place it to the credit of the district. He is responsible upon his official bond for the safekeeping and disbursement of all money of the district held by him. Custody and dis-bursement

8985. All funds on hand, accruing from a previous assessment, in the treasury of any unit of the proposed district or district already in existence, or that may be accumulated through gift, bequest, or assessment, shall be paid over to the county treasurer of the county in which the district was organized. Accrued funds, etc.

## Article 3. Trustees Report

**Report** 8990. As soon after the first day of July in each year as practicable, the trustees shall file with the board, or boards of supervisors if the district is situated in more than one county, a report, setting forth all their transactions during the fiscal year, and containing an itemized account of all their receipts and disbursements during the fiscal year together with proper vouchers for them.

## Article 4. Perpetual Care Fund

**Perpetual care fund** 9000. The trustees may, upon a two-thirds vote, establish and create a fund to be known as "the perpetual care fund," and for this purpose may set aside, use, and apply from any unexpended funds such sum as in the judgment of the trustees may be necessary or expedient to provide for the perpetual care of the burial lots in the cemetery and for this purpose may receive property by grant, gift, devise, or any other method.

**Taxes** 9001. No part of the tax levy shall be used for the perpetual care fund.

**Investment** 9002. The trustees may invest and reinvest the principal of the fund in such income producing securities as may be approved by the treasurer and the district attorney of the county in which the district is situated.

**Limitation** 9003. No part of the principal of the fund shall be expended for the care of the lots, but such expenditures shall be limited to the income from the fund.

**Report** 9004. The trustees shall annually on or before the first day of July, file with the board of supervisors of the county in which the district is situated, an itemized report of the receipts and expenditures from the fund.

**Income** 9005. All money received from the income of the fund shall be deposited in the county treasury of the county in which the cemetery is situated, in the perpetual care fund. This fund shall be expended solely for the purpose specified upon warrants issued by the county auditor on orders signed by not less than two of the trustees.

## CHAPTER 9. ANNEXATION OF TERRITORY

## Article 1. Petition

**Authority** 9025. The boundaries of any district may be altered and outlying territory, whether in one or more counties, may be annexed as provided in this chapter.

9026. Fifty or more freeholders within the territory proposed to be annexed, or a majority of freeholders if there are less than 100 within the territory proposed to be annexed, may present a petition for annexation of territory to the board of supervisors of the county in which the district is situated, or if the district is in more than one county, to the board of supervisors of the county in which the largest portion of the district is situated. Petition

9027. The petition shall designate the boundaries of contiguous territory proposed to be annexed. Boundary designation

## Article 2. Notice and Hearing

9050. At the first regular meeting after the presentation of the petition, the board of supervisors shall cause notice of the petition to be published in a newspaper published and circulated in the territory sought to be annexed, if there is such a newspaper, otherwise, by posting copies of the notice in three of the most conspicuous places in the territory proposed to be annexed, for three weeks prior to the date to be fixed by the board for hearing the petition. Notice:  
Publication  
or posting

9051. Upon the date fixed for hearing, or to which it may be continued, the board of supervisors shall consider the petition and any objections which may be filed to the inclusion of property in the district. Hearing

9052. The board of supervisors, by order entered on its minutes, may grant the petition either in whole or in part, and, by order entered on its minutes, may alter the boundaries of the district and annex all, or such portion of the territory described in the petition as will be benefited by inclusion in the district. Order

9053. (Repealed by Stats. 1941, Ch. 933.)

9054. Territory which will not be benefited, or which is not contiguous to the district, or which is not described in the petition, shall not be included in the district. Exclusion of  
territory

9055. No territory shall be annexed except upon an affirmative vote of two-thirds or more of the qualified electors of said territory at an election which shall be called, noticed, conducted, and the results determined as provided in this part for elections on formation of districts. If two-thirds or more of the votes at such election are in favor of annexation the board shall make an order declaring the territory annexed to the district and thereafter said territory shall be a part of the district, and, with the rest of the district, liable for all taxes to be levied for the operation and maintenance of the district. Vote  
required

(Added by Stats. 1941, Ch. 933.)



## CHAPTER 10. WITHDRAWAL OF TERRITORY

## Article 1. Petition

Authority 9075. Any portion of a district which will not be benefited by remaining within the district may be withdrawn as provided in this chapter.

Petition 9076. Fifty or more freeholders residing in, or owning property within the portion desired to be withdrawn from a district or a majority of freeholders, if there are less than 100 freeholders within the portion sought to be withdrawn, may request withdrawal of that portion from the district on the ground that that portion will not be benefited by remaining in the district.

## Article 2. Notice and Hearing

Time for hearing 9077. The board of supervisors shall fix a time for the hearing of the petition and for hearing protests to the continuance of the remaining territory as a district, which shall not be less than 10 nor more than 60 days after the receipt of the petition. The board shall, at least 30 days prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper, circulated in the district, which the board deems most likely to give notice to the inhabitants of the proposed withdrawal.

Objections 9078. Any person interested may appear at the hearing and object to the withdrawal of that portion from the district, and may object to the continuance of the remaining territory as a district, and the board of supervisors shall consider all objections and shall pass upon the petition and objections and if it finds that that portion of the district sought to be withdrawn will not be benefited by remaining within the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition.

## CHAPTER 11. EFFECT ON PREVIOUS LAWS

Effect of repeal 9100. No right or obligation of a cemetery district formed and operating pursuant to the provisions of Chapter 106, Statutes of 1909, as amended, is affected by the repeal of that act, but any district so organized and operating may continue in existence only subject to this part.

(Amended by Stats. 1941, Ch. 933.)

NOTE.—Stats. 1941, Ch. 933, which amended Section 9100, contains the following section:

SEC. 7. Chapter 106 of the Statutes of 1909 is hereby repealed.

## CHAPTER 12. ABANDONMENT

(Chapter 12 added by Stats. 1941, Ch. 715.)

Acquisition of abandoned cemeteries 9201. Any public cemetery district may acquire, by grant, gift, or any other method, abandoned cemeteries existing

within the boundaries of a public cemetery district at the time of its formation.

(Added by Stats. 1941, Ch. 715.)

9202. Any nonperpetual care cemetery in which there has <sup>Declaration</sup> not been interred any human dead for the period of twenty (20) years may be declared an abandoned cemetery.

(Added by Stats. 1941, Ch. 715; amended by Stats. 1943, Ch. 760.)

9203. Any public cemetery district having acquired a cem- <sup>Removal</sup> etery within its district boundary lines, as hereinbefore provided, may, by resolution of its board of directors, if no human dead have been interred therein for a period of twenty (20) years immediately preceding the date of the resolution, declare the abandonment in whole or in part of the cemetery as a burial place for the human dead and for the removal of human remains interred therein to another cemetery or cemeteries within the boundaries of the district as in this chapter provided.

(Added by Stats. 1941, Ch. 715; amended by Stats. 1943, Ch. 760.)

9204. Any resolution or declaration for abandonment and <sup>Notice</sup> removal duly adopted and made under the provisions of this chapter shall specify and declare that at any time after the expiration of two months after the first publication of the notice of declaration of abandonment and removal required to be published, as in this chapter set forth, the human remains then remaining in the cemetery or part thereof will be removed by the district owning or controlling the cemetery.

(Added by Stats. 1941, Ch. 715.)

9205. Notice of the declaration of abandonment and the <sup>Publication</sup> proposed removal of the human remains from any abandoned cemetery, or part thereof, shall be given, to all persons interested therein, by publication in a newspaper of general circulation published within the public cemetery district and most likely to give notice to the parties concerned. If no newspaper of general circulation is published in the district, then publication shall be made in a newspaper of general circulation published in the county within which the district is located. Publication shall be made once a week for four consecutive times. The notice shall be entitled "Notice of the Declaration of Abandonment of Lands for Cemetery Purposes and of Intention to Remove the Human Bodies Interred Therein" and shall specify a date not less than two months after the first publication of the notice when the district owning or controlling the cemetery lands and causing the notice to be published will proceed to remove the human remains then remaining in such cemetery, or part thereof.

(Added by Stats. 1941, Ch. 715.)

**Posting**     9206. Copies of the notice so published shall within 10 days after the first publication thereof be posted in at least three conspicuous places in the cemetery from which the removal of the human remains interred therein are to be made, and a further copy of the notice shall be mailed by registered letter to every person who owns or holds or has the right of burial in any lot, or plot in the cemetery, or part thereof, affected by the resolution or declaration of abandonment and removal, whose name appears as owner or controller upon the records of the cemetery. The notice so mailed shall be addressed to the last known post-office address of the respective lot owner or plot holder as the same appears from the records of the cemetery, and if no address appears or is known, then it shall be addressed to such persons at the county seat of the county in which the cemetery land is situated. Notice shall be mailed to any known living heir at law of any person whose remains are interred in the cemetery when the address of the heir is known.

(Added by Stats. 1941, Ch. 715.)

**Power to remove**     9207. After the completion of the publication, posting and mailing of the "Notice of Declaration of Abandonment of Land for Cemetery Purposes and of Intention to Remove the Human Bodies Interred Therein," and after the expiration of two months as specified in the notice, the district owning or controlling the cemetery shall have power to cause the removal of all human remains interred in the cemetery, or part thereof, to be abandoned as a cemetery or burial place of the dead, and to cause the reinterment in other cemeteries in the district where burials are permitted, without further notice to any persons claiming any interest in the cemetery or part thereof, or in the remains therein interred.

(Added by Stats. 1941, Ch. 715.)

**Presence of persons interested**     9208. At any time before the date fixed for the removal of the remains by the district owning or controlling such cemetery land, any relative or friend of any person whose remains are interred in the cemetery or part thereof, from which it is proposed to make removal may give the district proposing to make removals, written notice that he or she desire to be present when the remains of a friend or relative, are disinterred or reinterred. The notice shall state the name of the person whose remains are referred to and as accurately as possible shall describe the lot or plot where the remains are buried and the date of the burial, and shall specify an address to which the notice provided for in Section 9209 may be made. Notice may be delivered at the office or the principal place of business of the district owning or controlling the cemetery land and proposing to make removal, or may be forwarded thereto by registered mail.

(Added by Stats. 1941, Ch. 715.)



9209. Upon receipt of such notice before the date fixed for the removal of the remains by the district proposing to make removals, it shall be the duty of the district to give written notice, to the persons giving the notice provided in Section 9208, of the time when the remains shall be disinterred and of the time when and the place where the same will be reinterred. The notice shall be given by delivery thereof at the address stated in the notice referred to in Section 9208, or by mailing the same to the person giving such notice, at the address stated, delivery or mailing to be made not less than ten (10) days prior to the date specified for the disinterment of such remains. Whenever written notice shall be given by a relative or a friend of any persons interred in the cemetery lands from which removals are proposed to be made, the district owning or controlling such cemetery land and proposing to remove the bodies interred therein shall not disinter the bodies until notice of time of such disinterment is given such relative or friend.

Notice to  
persons  
interested

(Added by Stats. 1941, Ch. 715.)

9210. At any time prior to the removal, by the district owning or controlling the abandoned cemetery land, of the remains of any persons buried in the abandoned cemetery, any relative or friend of the person may voluntarily remove the remains and deposit the same as he may desire; provided, however, that the persons desiring to cause removal prior to such removal shall deliver to the district owning or controlling the abandoned cemetery, an affidavit, duly sworn to before an officer qualified to administer oaths, stating the name of the person whose remains it is desired to remove and further stating, so far as is known to affiant, the date of burial of the remains and the names and places of residence of the heirs at law of the deceased person.

Voluntary  
removals

(Added by Stats. 1941, Ch. 715.)

9211. In the event that the person desiring to cause such removal is not an heir at law of the person whose remains he desires to remove, removal shall not be made by him until he shall have delivered to the district owning or controlling the abandoned cemetery a written consent of a majority of the known heirs at law of the deceased person who are residents of the State of California. The statements in the affidavit shall be sufficient evidence of the numbers, names and residence of the heirs at law for all the purposes of this chapter, and the written consent of the majority of the heirs at law named in the affidavit shall be sufficient warrant and authority for the district owning or controlling the abandoned cemetery to permit the removal of the remains by such persons.

Heirs at law

(Added by Stats. 1941, Ch. 715.)

9212. The purchaser or owner of any burial lot or plot in the abandoned cemetery, or part thereof, or of the right of burial therein or any one of the joint purchasers of any

Owner of lot

lot or plot of burial land therein may cause the removal of any person or of the remains interred in such lot or plot without the necessity of signing any affidavit of consent as specified in Section 9210.

(Added by Stats. 1941, Ch. 715.)

**Heir of owner** 9213. If the right, title or interest of any grantee of any burial lot or plot of the abandoned cemetery, or the right of burial therein, shall have passed by succession to the heir or heirs at law of the grantee without formal distribution by order of court, the heir or heirs at law may remove the remains of persons interred in such lot or plot, and the affidavit of any heir at law setting out the fact of heirship shall be accepted by the district owning or controlling the abandoned cemetery land from which removals are to be made as sufficient evidence for all the purposes of this chapter of the fact of the transfer of title or right of burial to such heir, or heirs at law.

(Added by Stats. 1941, Ch. 715.)

**Reinterment** 9214. Whenever the remains of any person shall have been removed from any abandoned cemetery, or the part thereof abandoned as a burial place under the provisions of this chapter, by the district having charge or control of the abandoned cemetery lands, the remains shall be transported and reinterred in any other cemetery lands, within the boundaries of the district having charge or control of the abandoned cemetery land as provided in this chapter.

(Added by Stats. 1941, Ch. 715.)

**Receptacle** 9215. The remains of each person reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred under the rules and regulations now in force or that may be adopted by the district making removal.

(Added by Stats. 1941, Ch. 715.)

**Vaults, monuments** 9216. Whenever the remains of any person shall be removed from any abandoned cemetery by any relative or friend of such person, under the provisions of this chapter, the persons causing such removal shall also be entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the grave from which the remains have been removed, and the affidavit or written consent given under the provisions of Section 9210 shall be sufficient warrant and authority for the district owning or controlling the abandoned cemetery to permit the removal of any vault, monument, headstone, coping or other improvement appurtenant to the grave.

(Added by Stats. 1941, Ch. 715.)

**Removal of vaults** 9217. Whenever the remains of any person buried in any lot or plot shall have been removed, and any vault, monument,

headstone, coping or other improvement appurtenant thereto shall remain on the lot or plot for more than sixty (60) days after removal of the last human remains therefrom, the vault, monument, headstone, coping or other improvement may be removed and disposed of by the district owning or controlling the abandoned cemetery land, and thereafter no persons claiming any interest in the lot or plot or the vault, monument, headstone, coping or other improvement appurtenant thereto, shall have the right to maintain in any court, any action in relation to such vault, monument, headstone, coping or other improvement so removed or disposed of.

(Added by Stats. 1941, Ch. 715.)

9218. Whenever a cemetery or part thereof has been abandoned as a cemetery or place of burial for the human dead, as provided in this chapter, by the district owning or controlling the same, the parts or portions thereof in which no interments have been made and the parts and portions thereof from which all human remains have been removed may be sold by the district owning and controlling the abandoned cemetery lands. No order of any court shall be required in order to make any sale of lands abandoned for cemetery purposes and from which the human remains have been removed.

Sale of  
portion

(Added by Stats. 1941, Ch. 715.)

9219. Whenever any district shall have resolved upon the abandonment of any cemetery, or part thereof, and the removal of the human remains therefrom, under the provisions of this chapter, the district shall have power to employ any moneys in its treasury to defray the expenses of such abandonment and removal, including the expenses of purchasing additional lands or otherwise providing a suitable place for the interment in any other cemetery within the boundaries of the district and under its control; also including the expenses of disinterment, transportation and reinterment; also including the expenses of the removal and disposal of any vaults, monuments, headstones, coping or other improvements which may remain after the human bodies are removed from any abandoned cemetery or part thereof; also including all necessary expenses incident to the sale of any lands; also including all other expenses necessarily incurred in carrying out the abandonment of the abandoned cemetery lands and the removal and reinterment of the bodies removed and all other expenses incident to any of the above purposes.

Costs of  
removal

(Added by Stats. 1941, Ch. 715.)

9220. Any moneys received by the district from the sale of the lands of the abandoned cemetery may be used for any purpose as the district may lawfully declare.

Receipts

(Added by Stats. 1941, Ch. 715.)



Conveyance  
of new lots

9221. Whenever any district shall remove human bodies or the remains thereof from any abandoned cemetery lands the district shall reinter any human remains removed in the established cemetery of the district; and thereafter the lots or plots in which the human remains removed have been reinterred shall be conveyed to the person or persons, if known, who owned the lot or plot in the abandoned cemetery from which the human remains were removed, and the conveyance shall be in full of all right, title and interest of any person or persons owning any lot or plot in the abandoned cemetery from which the human remains have been removed.

(Added by Stats. 1941, Ch. 715.)

Same

9222. In event of any person or persons owning any lot or plot of land within the abandoned cemetery in which no human remains have been interred, the directors of the district owning or controlling the lands of the abandoned cemetery, shall convey to such person or persons owning any lot or plot in the abandoned cemetery a lot or plot of equal dimensions in the cemetery owned and conducted by the district and such conveyance shall be in full of all right, title and interest in and to the lot or plot owned by such person or persons in the abandoned cemetery, and thereafter no person or persons claiming any interest in any such lot or plot shall have the right to maintain in any court an action in relation to such lot or plot owned by such person or persons in the abandoned cemetery.

(Added by Stats. 1941, Ch. 715.)

Markers

9223. After the removal and reinterment of the human bodies disinterred from any abandoned cemetery, or part thereof, the district owning or controlling the abandoned cemetery lands and making removals shall cause to be erected upon or imbedded in any lot or plot wherein any such body is reinterred, a suitable permanent marker identifying the remains and shall prepare a complete record of the name of each person, where known, whose body was reinterred and the lot or plot in the cemetery where the body is reinterred and such record shall be kept on file in the office of the district making the removals and reinterments and shall at all times be open to inspection of the relatives or friends of those so reinterred.

(Added by Stats. 1941, Ch. 715.)

Recording

9224. After the removal of all human remains interred in any part or the whole of the cemetery lands abandoned as a burial place for the human dead as provided in this chapter, the district owning or controlling the abandoned cemetery lands may file for record in the office of the county recorder of the county or city and county in which the lands are situated, a written declaration reciting that all human remains

have been removed from the part or portion of the lands described in the declaration. The declaration shall be acknowledged in the manner of the acknowledgement of deeds to real property by the president and secretary, or other corresponding officers, of the district owning or controlling the abandoned cemetery lands, and thereafter any deed or other conveyance of any part of such lands shall be conclusive evidence in favor of any grantee therein named, his successors or assigns, of the fact of the complete removal of all human bodies therefrom.

(Added by Stats. 1941, Ch. 715.)

9225. In the disinterment, transportation, and removal of human remains made under the provisions of this chapter, it shall not be necessary for the district owning or controlling the abandoned cemetery lands to obtain from the board of health or health officer of the city, city and county, or town where the cemetery lands are located, a separate permit for the disinterment, transportation, or removal of the remains of each person so disinterred, transported, or removed, but disinterment, transportation, and removal of the human remains shall be made subject to reasonable rules and regulations relative to the manner of disinterring, transporting or removing remains as may be adopted by the board of health or the health officer of the city, city and county, or town wherein the cemetery lands are situated.

General  
permit

(Added by Stats. 1941, Ch. 715.)

(Chapter 12 added by Stats. 1941, Ch. 715.)

## PART 5. MAUSOLEUMS AND COLUMBARIUMS

### CHAPTER 1. GENERAL PROVISIONS

9501. As used in this part:

Definitions

“Mausoleum” means any building, used, or intended to be used, for the interment of uncremated human remains.

“Columbarium” means any building, used, or intended to be used, for the interment of cremated human remains.

9502. This part applies to all buildings, mausoleums and columbariums used or intended to be used for the interment of the remains of 15 or more persons whether erected under or above the surface of the earth where any portion of the building is exposed to view or, when interment is completed, is less than three feet below the surface of the earth and covered by earth.

Scope of  
part

9503. A building not erected for, or which is not used as, a place of interment of human remains which is converted or altered for such use is subject to this part.

Converted  
or altered  
building

## CHAPTER 2. ENFORCEMENT

Within cities:  
Building department 9525. The building department of each city and county shall enforce the provisions of this part pertaining to the erection, construction, reconstruction, conversion, and alteration of mausoleums, columbariums, and buildings erected or used for the interment of human remains, and shall issue certificates of final completion and acceptance upon compliance with this part.

Health department 9526. The health department of each city or county, shall enforce the provisions of this part pertaining to sanitation, ventilation, use, and maintenance after the mausoleums or columbariums have been erected, constructed, reconstructed, converted, or altered.

If there is no health department in the city or county, the officer or officers who are charged with the enforcement of ordinances and laws regulating the sanitation, ventilation, and maintenance of buildings, shall enforce the provisions of this part pertaining to sanitation and use of mausoleums and columbariums.

Designation 9527. Every city or county may designate and charge by ordinance any department or officer with the enforcement of any portion of this part.

Outside cities 9528. In every county the officer or officers charged with the enforcement of ordinances or laws regulating the erection, construction, conversion, or alteration, or the ventilation, sanitation, and maintenance, of buildings, shall enforce the provisions of this part outside of the limits of any city.

## CHAPTER 3. PERMITS AND PLANS

## Article 1. General Provisions

Building permit 9550. It is unlawful for any person to construct, or cause or permit to be constructed upon any property belonging to or controlled by him, any building, or to make any alterations or changes or do reconstruction work upon, in or to any building erected prior to August 14, 1929, for use as a place of interment of human remains without first having applied for and procured a building permit.

Conformance with plans 9551. The erection, construction, reconstruction, or alteration of any such buildings shall be in accordance with the plans and specifications submitted and filed and for which the permit is issued.

## Article 2. Application and Plans

Application 9560. A person desiring a permit shall file a written application on forms furnished by the department with the department charged with the duty of issuing the permit.



The application shall:

(a) Show in detail the proposed erection, construction, reconstruction, or alteration.

(b) State the name and address of the owner.

(c) State the name and address of the architect, structural engineer, or contractor, if any.

(d) State that the plans and specifications are true and contain a correct description of the proposed work.

(e) Give any other data or information required by the department.

9561. The application shall be accompanied by:

Plans and specifications

(a) Two full, true and complete sets of plans showing in detail the work proposed and whether it is for new work, reconstruction, or alteration.

(b) Two sets of specifications describing the proposed work.

(c) The plans of the lot or land on which the building is proposed to be erected, reconstructed, or altered.

9562. The department charged with the enforcement of this part shall cause all plans, specifications, and statements to be examined and, if they conform to the provisions of this part, shall issue a permit to the person requesting it.

Issuance of permit

9563. The department may, from time to time, approve changes in any plans, specifications, or statements previously approved if the changes are in conformity with the provisions of this part.

Change in plans

9564. A true copy of the plans, specifications, and other information submitted or filed upon which a permit is issued, with the approval of the department with which they are filed, stamped or written on the copy, and signed by the officer or officers authorizing the permit, shall be kept upon the premises of the building for which the permit is issued from the commencement of the work until final completion and acceptance, and shall be subject to inspection at all times by proper authorities.

Keeping plans

### Article 3. Cancellation of Permit

9575. In the case of any refusal, failure, or neglect of the person to whom a permit or approval has been issued to comply with all of the provisions of this part, or in case any false statement or misrepresentation is made in any of the plans, specifications or statements submitted or filed for the permit or approval, the department shall revoke or cancel any permit or approval it has previously issued.

Cancellation

### Article 4. Expiration of Permit

9580. The issuance or granting of a permit or approval is not a permit or approval of a violation of any provision of this part.

Effect of issuance

**Expiration** 9581. Every permit or approval under which no work is done within 90 days from the date of issuance, or under which work has been suspended for a period of 90 days, expires by limitation and a new permit shall be obtained before the work may proceed.

#### CHAPTER 4. INSPECTION AND APPROVAL

**Notification** 9590. When the work is completed in accordance with the plans, specifications, and statements previously made and upon which the permit or approval was issued, the owner or contractor shall notify the department charged with the enforcement of this part.

**Inspection and certificate** 9591. The department shall inspect or cause the work to be inspected, and shall issue a certificate of final completion if the work has been performed in accordance with the approved plans, specifications, and statements, and, if not, it shall refuse to issue the certificate.

#### CHAPTER 5. CONSTRUCTION

##### Article 1. General Provisions

**Material and workmanship** 9600. No building or structure intended to be used for the interment of human remains shall be constructed, and a building not used for the interment of human remains shall not be altered for use or used for interment purposes, unless constructed of such material and workmanship as will insure its durability and permanence as dictated and determined at the time by modern mausoleum construction engineering science, the minimum requirements for which are set forth in this chapter.

**Class "A" fireproof construction** 9601. All mausoleums or columbariums hereafter constructed shall be of class "A" fireproof construction.

**Definition** 9602. Class "A" fireproof construction, also designated as "fireproof," class "A" construction, or "skeleton" construction, includes every building in which all external or internal loads or strains are transferred to the foundations by means of a structural frame of fire protected structural steel or reinforced concrete, or the columns, beams, and girders of which are riveted to each other at their respective juncture points.

**Buildings within definition** 9603. Buildings not exceeding 25 feet in height and constructed of granite or marble shall be considered as of class "A" construction when they fulfill all other provisions of this chapter.

**Details of construction** 9604. All details of construction such as structural strength, fireproofing, ventilation of rooms and hallways, plumbing, lighting, and all other details commonly specified under class "A" construction, shall be in accordance with the

ordinances and specifications governing class "A" construction in the cities of San Francisco or Los Angeles, and shall be directly in accordance with the ordinances and specifications of that city above named which is the lesser distance from the site of the mausoleum or columbarium to be constructed.

9605. If the proposed site is within the jurisdiction of a city having ordinances and specifications governing class "A" construction, the provisions of the local ordinances and specifications shall not be violated. Violation of local ordinances

## Article 2. Structural and Material Requirements

9625. All structural design and materials shall conform substantially with the minimum requirements set forth in this chapter. Minimum requirements

9626. Earthquake stresses shall be considered in all structural design. Earthquake stresses

9627. All footings, bearing walls, beams, columns, floor slabs, and other structural members shall be designed and constructed with a safety factor of four. Structural members

9628. All floors shall be designed for live load of not less than 100 pounds per square foot. Floors

9629. Footings for any mausoleum, or columbarium hereafter erected shall be of concrete, reinforced with steel as required structurally. Footings: Material

9630. All live and dead loads shall be transferred by the walls or columns direct to the footings. Loads

The total load on any footing shall not exceed the safe soil bearing value as determined by a loading test.

9631. Footings shall be designed for total loads, but relative sizes of footings shall be governed by the dead loads only, with a proper reduction of the allowable soil bearing value. Size, etc.

9632. Each crypt shall be designed for a total live load of 600 pounds. Crypts

9633. Any mausoleum or columbarium load-carrying walls hereafter erected shall be constructed of the following materials, singly or in combination: Concrete, cut stone, cast stone, granite or marble, all reinforced, anchored, and supported in such a manner as to insure an enduring and safe structure. Load-carrying walls

9634. In any new building, or in any alteration or addition to any existing building for use for the interment of human remains, all bearing walls shall be of granite, marble, or reinforced concrete. Bearing walls



- Same 9635. If the building exceed 25 feet in height, bearing walls shall be of reinforced concrete.
- Water-proofing 9636. Where any wall is constructed against a bank of earth or rock or other porous material the exterior face of the wall above the footing shall be thoroughly and efficiently waterproofed before backfilling is done.
- Fastenings 9637. Fastenings on hangers, clasps, clips, wires, doors, and other fasteners shall be of brass, aluminum or copper of not less than 22 gauge copper-bearing iron or steel.
- Vertical work 9638. All base, architraves, wainscoting, and all other vertical work shall be securely clamped to the backing with rods and heavy wire clips or other anchoring devices of materials specified in Section 9637. All cast clips shall be countersunk into the joint surface and set in plaster.
- Marble floor work 9639. Marble floor work shall be set in a full bed of non-staining cement mortar of a proportion of not less than one part of cement to two parts of sand and tamped to a uniform bearing true to line.
- Stone 9640. All stone of any description shall be set on an even bed of mortar except lug sills and similar work exposed to uneven pressure which shall be bedded only at the ends.
- Mortar joints 9641. Mortar joints shall be of uniform thickness not to exceed three-sixteenths of an inch and shall be raked out to a depth of three-quarters inch as the work progresses.
- Cleaning joints, etc. 9642. On completion of granite, cut stone, or cast stone work all joints shall be brushed, cleaned thoroughly, wet, and carefully filled with mortar, solidly packed in and pointed.
- Mortar for pointing 9643. Mortar for pointing shall be composed of one part lime putty, two parts white Monterey sand, or its equivalent, and two parts of nonstaining Portland cement.
- Material 9644. Every building, vault, or structure for use for the interment of human remains shall be constructed throughout of noninflammable material, and all steel work shall be covered with not less than two inches of concrete, except that steel framework for elevators, windows, doors, skylights, and other similar openings need not be encased in concrete, but shall be treated with an efficient preservative.
- Roof 9645. The roof shall be constructed of reinforced concrete, granite, tile, or marble. The upper surface of all reinforced concrete roofs shall be covered with asphaltum, or other fire resisting material.

9646. Skylight frames shall be of galvanized iron not less than number twenty-four gauge or copper. All joints shall be riveted and soldered. All glass in skylights shall be wire glass not less than one-fourth of an inch in thickness. Skylights

9647. All walls of crypts not built of granite or marble shall be constructed of concrete mixed with the proportion of not less than one part of cement to two and one-half parts sand and three and one-half parts crushed rock or screen gravel. Crypt walls:  
Concrete

9648. All crypt walls shall be not less than four inches in thickness and shall be reinforced with steel; crypt floor slabs shall be not less than three inches thick and shall be reinforced with steel to conform to slab specifications of class "A" construction. Thickness

9649. In no case shall the concrete walls of a crypt or niche be so constructed as to be subject to any of the load strains of the building structure, except where crypt or niche walls intersect or are a part of structural walls. Load  
strains

9650. In mausoleums where air ventilation is used and crypts are situated adjacent to an outside building wall below ground level an air space not less than 18 inches wide shall be provided between the outside wall and the crypt walls and the air space shall be supplied with ventilation and shall have one or more doorways not less than 15 inches wide by five feet high. Air space

9651. The mortar for setting all stone work shall be composed of not less than one part of nonstaining Portland cement to three parts of clean, white, coarse sand, tempered with lime putty. Mortar for  
stone setting

9652. All bed joints shall be accurately cut or sawed to true planes and shall contain no concave surface. Bed joints

9653. Cut stone or cast stone exterior veneering shall be not less than two inches in thickness for all courses. Marble exterior veneering shall be not less than one and one-half inches in thickness for all courses. Terra cotta exterior veneering shall conform to standard practice. Veneering:  
Thickness

9654. All exterior veneering work shall be bonded or tied to the structural steelwork and masonry as follows: Corners, belt courses, copings, pilasters, bases, caps, sills, architraves, and other ornamental and special work which may have projecting members shall have sufficient bearing on the walls to balance independent of anchors. Bonding

9655. Sills shall extend not less than three inches back of the window sill proper and shall have a fillet to receive the sills. Sills

**Anchors** 9656. All exterior veneering shall be anchored by placing one-quarter inch diameter anchors at the top of each stone and these anchors shall set into seats in the stone not less than one inch in depth and shall extend into the concrete work not less than six inches, and the face of the concrete shall not be less than three inches back of the stone unless dowel type of anchors are used.

**Same** 9657. All dowel anchor slots shall be made of 22 gauge copper-bearing galvanized iron. There shall be two anchors for each stone one foot six inches or over in length and one anchor for smaller stones and anchors shall be placed not over one foot from the ends of the stone. All anchors shall be dipped in hot asphaltum.

## CHAPTER 6. PENALTIES

**Violation** 9675. Every person who violates any provision of this part is guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or by imprisonment in a county jail not less than 10 days nor more than six months, or by both; and in addition is liable for all costs, expenses, and disbursements paid or incurred by the department or person prosecuting the case.

**Unlawful erection** 9676. Every owner or operator of a mausoleum or columbarium erected in violation of this part is guilty of maintaining a public nuisance and upon conviction is punishable by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) or by imprisonment in a county jail for not less than one month nor more than six months, or by both; and, in addition is liable for all costs, expenses and disbursements paid or incurred by the department or person prosecuting the case. Each calendar month during which such public nuisance exists constitutes a separate offense.

The costs, expenses, and disbursements shall be fixed by the court having jurisdiction of the case.

**Exception** 9677. The penalties of this chapter shall not apply as to any building which, at the time of construction was constructed in compliance with the laws then existing, if its use is not in violation of the laws for the protection of public health.

## DIVISION 9. VITAL STATISTICS

### CHAPTER 1. GENERAL PROVISIONS

**Enforcement** 10000. The State Department of Public Health is charged with the uniform and thorough enforcement of this division throughout the State, and may promulgate additional regulations for its enforcement.



10001. All certificates of birth or of death shall be written legibly, in durable black ink, and a certificate is not complete and correct that does not supply all of the items of information called for, or satisfactorily account for their omission. Certificates

10002. All physicians, midwives, informants, funeral directors, clergymen, or judges, and all other persons having knowledge of the facts, shall supply, upon the forms provided or upon the original certificate, such information as they may possess regarding any birth, death, or marriage upon demand of the State registrar, in person, by mail, or through the local registrar. Supplying information

10003. No certificate of birth, death, or marriage, after its acceptance for registration by the local registrar or county recorder, and no other record made in pursuance of this division, shall be altered or changed in any respect, except where supplemental information required for statistical purposes is furnished. Alteration of certificates

10004. (Repealed by Stats. 1941, Ch. 182.)

10005. (Repealed by Stats. 1941, Ch. 182.)

10006. (Repealed by Stats. 1941, Ch. 182.)

10007. (Repealed by Stats. 1941, Ch. 182.)

10008. Every person in charge of a hospital, almshouse, lying-in or other institution, public or private, to which persons resort for treatment, confinement, or are committed by process of law, shall make a record of the personal and statistical particulars relative to the inmates thereof sufficient and adequate for the completion of a birth or death certificate. Institution records

(Amended by Stats. 1941, Ch. 182.)

10009. In case of persons admitted or committed for treatment of disease, the physician in charge shall specify in the record the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required shall be obtained from the individual himself if practicable; and when they can not be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts. Disease information

10010. Every person who sells a casket except to a dealer or funeral director shall keep a record showing the name of the purchaser, his post-office address, name of decedent, and date and place of his death. This record shall be open to inspection of the State registrar at all times. On the first day of each month the person selling caskets shall report on a blank provided for the purpose, to the State registrar each Persons selling caskets: Records

Reports

sale in the preceding month. Persons selling caskets to dealers or funeral directors only are not required to keep such record. The report is not required from funeral directors when they have direct charge of the disposition of the body of a deceased person.

Notice 10011. Every person selling a casket at retail, and not having charge of the disposition of the body of a deceased person shall inclose within the casket a notice furnished by the State registrar calling attention to the requirements of the law, a blank certificate of death, and the rules and regulations of the State department concerning the interment or other disposition of human remains.

## CHAPTER 2. ADMINISTRATION

### Article 1. State Administration

Bureau of Vital Statistics 10025. The State department shall maintain a Bureau of Vital Statistics which shall have charge of such matters and shall have such powers as may from time to time be referred and delegated to it by the department.

State Registrar 10026. The department shall appoint a State Registrar of Vital Statistics who shall be the head of and shall have general supervision and control over the Bureau of Vital Statistics.

Entire time to duties 10027. The State registrar shall devote his entire time to the duties of his office.

Registration 10028. He shall, under the direction of the State department, have charge of registration of births, deaths, and marriages, and shall procure their faithful registration in each primary registration district and in the Bureau of Vital Statistics.

Forms 10029. He shall prepare and distribute all forms and blanks for use in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this division.

Instructions 10030. He shall prepare and issue such detailed instructions as may be required to procure the uniform observance of this division and the maintenance of a perfect system of registration; and no forms or blanks other than those prepared by him shall be used.

Examination of certificates 10031. He shall carefully examine the certificates received from the local registrars, and if they are incomplete or unsatisfactory he shall require such further information as may be necessary to make the record complete and satisfactory.

10032. When the State department deems it necessary, it shall report cases of violation of any of the provisions of this division to the district attorney of the county, with a statement of the facts and circumstances; and the district attorney shall forthwith initiate and promptly follow up the necessary court proceedings.

Reports of  
violations

10033. Upon request of the State department, the Attorney General shall assist in the enforcement of the provisions of this division.

Attorney  
General

10034. The State registrar is charged with the execution of the provisions of this division in this State, and has supervisory power over local registrars, deputy local registrars, and subregistrars, so that all of the requirements of this division shall be uniformly complied with.

Supervision

10035. The State registrar, either personally or by an accredited representative may investigate cases of irregularity or violations of law.

Investi-  
gations

10036. The State registrar shall arrange, and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous index of all births, deaths, and marriages registered. The index shall be arranged, in the case of deaths, by the names of decedents; in the case of births, by the names of fathers and maiden names of mothers; and in case of marriages by the names of both grooms and brides.

Index

(Amended by Stats. 1943, Ch. 999.)

10037. The State registrar shall inform all registrars which diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the State department, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread.

Information  
re disease

## Article 2. Registration Districts

10050. For the purposes of this division the State shall be divided into registration districts.

Districts

10051. Each city or city and county having at least 5,000 inhabitants according to the next preceding Federal census, constitutes a primary registration district.

Primary  
districts

10052. Each county, exclusive of the cities in it which constitute primary registration districts may be subdivided by the State registrar into a sufficient number of primary rural registration districts, the boundaries of which he shall define and which he may alter, combine, or subdivide from time to time, as may be necessary to promote efficient and convenient registration of all births and deaths.

Rural  
districts



## Article 3. Local Administration

- Local registrar: Clerk** 10100. Except as otherwise provided the clerk of each city or city and county which constitutes a primary registration district is the local registrar in and for that primary registration district and shall perform all the duties of local registrar.
- City health officer** 10101. In any city or city and county which constitutes a primary registration district and in which a health officer is provided for by a freeholders' charter or other applicable law, the health officer is the local registrar.
- County health officer** 10102. Where the county health officer acts as city health officer for a city which constitutes a primary registration district under contract as authorized by law, the county health officer is the local registrar.
- Same** 10103. In those counties in which there is a county-wide health department organization the county health officer is the local registrar for all territory in the county not included in a primary registration district.
- State appointee** 10104. In other counties, the State registrar, subject to the approval of the State department, shall appoint for each primary rural registration district a local registrar whose term of office shall be four years. The State registrar may remove such appointee forthwith for failure or neglect to perform his duty.
- Subregistrar** 10105. When it appears necessary for the convenience of the people in any registration district, the local registrar may, with the approval of the State registrar, appoint one or more suitable persons to act as subregistrars, who may receive certificates and issue burial or removal permits in and for designated portions of the district.
- Duties re certificates** 10106. Each subregistrar shall note, on each certificate, over his signature, the date of filing, and shall forthwith, and in all cases before the third day of the following month, forward all certificates to the local registrar of the district.
- Removal** 10107. Each subregistrar is subject to the supervision and control of the State registrar, who may remove him for neglect or failure to perform his duty in accordance with this division or the rules and regulations of the State registrar.
- Neglect of duty** 10108. Each subregistrar is subject to the same penalties for neglect of duty as the local registrar.
- Deputy** 10109. Each local registrar, other than health officers and clerks, shall immediately appoint in writing a deputy, who shall act in his stead in case of his absence or disability. The

deputy shall in writing accept the appointment. A deputy is subject to all laws and rules and regulations governing local registrars..

10110. Each assistant or deputy of any health officer or Same clerk acting as local registrar is assistant or deputy registrar, and has all the powers and may perform all the duties of a local registrar in the name and stead of his principal.

10111. Each local registrar shall transmit to the State registrar each original birth certificate or death certificate registered by him and retain a complete and accurate copy of each certificate for the local record of the registration district. Transmission of certificates: To State Registrar

10112. Each local registrar, except a health officer of a city and county acting as local registrar, shall transmit to the recorder of the county for a special county record a complete and accurate copy of each original birth certificate or death certificate transmitted by him to the State registrar. To county recorder

10113. The county recorder is the sole local registrar for marriages performed anywhere in the county. Marriage registrar

10114. Each local registrar shall supply blank forms of certificates to such persons as require them. Forms

10115. He shall carefully examine each certificate of death when presented for record in order to ascertain whether or not it has been made out in accordance with this division and the instructions of the State registrar. Death certificate examination

10116. If any certificate of death is incomplete or unsatisfactory, the local registrar shall call attention to the defects in the certificate and withhold the burial or removal permit until the defects are corrected. Defects

10117. He shall number consecutively the certificates of birth and death, in two separate series, beginning with number one for the first birth and the first death occurring in each calendar year, and sign his name as registrar in attest of the date of filing in his office. Certificate numbering

10118. He shall make a complete and accurate copy of each birth certificate and each death certificate registered by him and preserve them permanently in his office as the local record. Records  
(Amended by Stats. 1941, Ch. 182.)

10119. He shall, on the fifth day of each month, transmit to the State registrar all original certificates registered by him for the preceding month. If no births or no deaths occurred in any month, he shall, on the fifth day of the following month report that fact to the State registrar on a blank provided for that purpose. Transmission of certificates

District  
enforcement

10120. Under the supervision and direction of the State registrar, each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this division in his registration district. He shall make an immediate report to the State registrar of any violation of this law coming to his knowledge.

### CHAPTER 3. BIRTH REGISTRATION

#### Article 1. General Provisions

Required  
registration

10150. The birth of each child born in this State shall be registered pursuant to this chapter.

#### Article 2. Duty of Registering Birth

Certificate:  
Time to file

10175. Except in sparsely settled districts or where there is no direct mail communication with the county seat, within four days after the date of each birth, there shall be filed with the local registrar of the district in which the birth occurred a certificate of birth.

Same

10176. In sparsely settled districts or where there is no direct mail communication with the county seat a reasonable time for filing shall be fixed by the local registrar.

Form

10177. The certificate shall be upon the form adopted by the State department.

Filing:  
Physician

10178. If a physician was in attendance upon the birth, the physician shall file the birth certificate.

Midwife

10179. If no physician was in attendance the midwife or person acting as midwife shall file the birth certificate.

Birth report

10180. The father or mother of the child, the householder or owner of the premises where the birth occurred, or the manager or superintendent of the public or private institution where the birth occurred, each in the order named, shall within 10 days after the date of birth, report the fact of birth to the local registrar.

Information

10181. If the physician, midwife, or person acting as midwife, in attendance upon the birth is unable to obtain any item of information required for the birth certificate, the local registrar shall secure from the person reporting under Section 10180, or from any other person having the required knowledge, the information which will enable him to prepare the certificate of birth.

Duties of  
person  
reporting  
birth

10182. The person reporting the birth or any person who may be interrogated in relation to the birth shall answer correctly and to the best of his knowledge all questions of the



local registrar which may be calculated to elicit any information needed to make a complete record of the birth. The informant of any statement made in accordance with this article shall verify his statement by his signature, when requested so to do by the local registrar.

### Article 3. Certificates of Birth

10200. The certificate of birth shall contain the following Contents items and such other items as the State department may designate:

(1) Full name of child. If the child dies without a name, before the certificate is filed, enter the words "died unnamed." If the living child has not yet been named at the date of filing certificate of birth, the space for "full name of child" shall be left blank.

(2) Place of birth, including State, county, township or town, village or city. If in a city, the street and house number; if in a hospital or other institution, its name shall be given, instead of the street and house number.

(3) Sex of child.

(4) Whether twin, triplet, or other plural birth. A separate certificate shall be required for each child in case of plural births. For plural births, the number of each child in order of birth.

(5) Date of birth, including year, month and day.

(6) Full name of father.

(7) Color or race of father.

(8) Birthplace of father; at least State or foreign country, if known.

(9) Full maiden name of mother.

(10) Color or race of mother.

(11) Birthplace of mother; at least State or foreign country, if known.

(12) The certification of attending physician or midwife as to attendance at birth, including statement of hour of birth. This certification shall be signed by the attending physician or midwife, with address; if there is no physician or midwife in attendance, then by the father or mother of the child, householder, owner of the premises, or manager or superintendent of the public or private institution where the birth occurred, or other competent person whose duty it is to notify the local registrar of the birth.

(13) Exact date of filing in office of local registrar; registered number.

(14) Signature of registrar.

(15) If given name is added later, the name and date of adding.

(Amended by Stats. 1939, Ch. 385, by Stats. 1941, Ch. 182, and by Stats. 1943, Ch. 196.)

Missing  
information

10201. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant, and require him to supply the missing items of information if they can be obtained.

Certified  
copies

10202. Certified copies of birth certificates may be issued by the State registrar, by the county recorder, or by any local registrar which shall contain only the data described in Section 10200. Other data required by the department shall not become part of the certified copy unless specifically requested. Certified copies of birth certificates hereafter issued shall contain only the information provided for in this section, unless otherwise requested, regardless of statements contained in or the form of birth records heretofore filed.

The State registrar shall prepare and furnish forms for certified copies of birth certificates.

(Added by Stats. 1943, Ch. 196.)

#### Article 4. Unnamed Children

Supplemen-  
tal report

10225. When any certificate of birth of a living child is presented without the statement of the given name, the local registrar shall make out and deliver to the parents of the child a special blank for a supplemental report of the given name of the child, which shall be filled out and returned to the local registrar as soon as the child is named.

#### Article 5. Adopted Children

Certificate  
of adoption  
decree:  
Recording

10250. Whenever a decree of adoption has been entered in any court in the State declaring a child legally adopted a certificate of the decree shall be recorded by the clerk of the court with the State registrar upon a form provided for that purpose.

Filing

10251. The certificate shall be filed with the original record of birth, which shall remain as a part of the records of the Bureau of Vital Statistics.

Birth  
certificate

10252. Upon receipt by the State registrar of a certificate of the decree of adoption, a certificate of birth shall be issued bearing the name of the child as shown in the decree of adoption, the names of his foster parents; the age of the foster parents, the sex, date of birth and place of birth, but no reference in any birth certificate shall be made to the adoption of the child.

Prior  
certificate

10253. This birth certificate shall supplant any birth certificate previously issued for the child and shall be the only birth certificate open to public inspection. In form and contents, it shall be identical with a birth certificate issued to natural parents for the birth of a child.

10253.5. When a new birth certificate is issued in place of the original birth certificate of an adopted child, the State registrar shall inform the local registrar and the county recorder whose records contain copies of the original certificate, and the local registrar and county recorder shall forward such copies to the State registrar for filing with the original certificate, if it is practical for the local registrar or county recorder to do so. If it is impractical for the local registrar or county recorder to forward the copy to the State registrar, the local registrar or county recorder shall effectually seal a cover over such copy in such a manner as not to deface or destroy such copy and forward a verified statement of his action to the State registrar. Thereafter the information contained in such copy shall be only available to any person as provided in Section 10254.

Adopted  
child

(Added by Stats. 1941, Ch. 209.)

10253.7. A new certificate of birth may be issued by the State registrar in accordance with this article in the case of a child born in the State, but adopted by a legal proceeding in another State, in the District of Columbia, or in any Territory of the United States which has jurisdiction of the child, upon the filing with the State registrar of a copy of the decree or judgment of adoption certified by the judge who entered it or the person having the legal custodianship of the records in the proceeding. When any such certificate is issued, it shall be treated in all respects the same as, and governed by all the provisions of this article pertaining to, a certificate issued in the case of a child adopted in this State.

Proceedings  
in other  
State

(Added by Stats. 1941, Ch. 180.)

10254. All records and information specified in this article, other than the birth certificate, shall be available upon the order of a court of record.

Record  
availability

### Article 6. Legitimated Children

10275. Whenever a child becomes legitimate by the subsequent marriage of its parents an affidavit of that fact may be filed by his parents with the State registrar upon a form provided for that purpose.

Affidavit

10276. The affidavit shall be filed with the original record of birth which shall remain as a part of the records of the Bureau of Vital Statistics.

Filing

10277. Upon receipt by the State registrar of such affidavit, a certificate of birth shall be filed bearing the name of the child as shown in the affidavit, the names of his parents, the age of the parents, the sex, date of birth, and place of birth.

Birth  
certificate

10278. This birth certificate shall supplant any birth certificate previously issued for the child and shall be the only

Prior  
certificate



birth certificate open to public inspection. In form and contents, it shall be identical with a birth certificate issued to parents for the birth of a legitimate child.

Record availability 10279. All records and information specified in this article, other than the birth certificate, shall be available upon the order of a court of record.

### Article 7. Unknown Children

Report 10300. The finding of an unknown child less than one year of age shall be immediately reported to the local registrar.

Contents 10301. The report shall show the sex and color of the child, the date and place of finding the child, and the name of the person or institution with whom it is placed.

Place and date of birth 10302. The city, town or rural district in which the child is found shall be known as the legal place of birth, and the date of birth shall be determined as nearly as possible, shall be given on the certificate, and shall be known as the legal date of birth.

Name 10303. The person or institution with whom the child is placed shall give the child a name and shall report the name to the local registrar.

Certificate of finding 10304. The certificate of finding shall be forwarded to the State registrar with the regular monthly report of births, and shall be filed and indexed by him with the regular birth certificates.

Subsequent identification 10305. If the child is later identified and a certificate of birth found or obtained, the fact shall be reported to the State registrar and he shall indorse it upon the certificate of finding, with citation to the certificate of birth.

### Article 8. Registration of Stillborn Children

Certificate 10325. A stillborn child shall be registered upon a certificate of stillbirth as prescribed by the State department, and shall be filed with the local registrar, in the same manner as that prescribed for a certificate of death.  
(Amended by Stats. 1941, Ch. 182.)

10326. (Repealed by Stats. 1941, Ch. 182.)

Stillbirth 10327. A certificate of stillbirth is not required for a child that has not advanced to the fifth month of uterogestation.  
(Amended by Stats. 1941, Ch. 182.)

Medical certificate 10328. The medical certificate of the cause of stillbirth shall be signed by the attending physician, if any, and shall state the cause of the stillbirth if known.  
(Amended by Stats. 1941, Ch. 182.)

10329. A burial or removal permit of the prescribed form Burial permit is required.

10330. Midwives shall not sign certificates of stillbirth; Midwife's signature, etc. but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance.

(Amended by Stats. 1941, Ch. 182.)

## CHAPTER 4. DEATH REGISTRATION

### Article 1. General Provisions

10350. Every death occurring in this State shall be Report required reported pursuant to this chapter.

### Article 2. Death Certificates

10375. The certificate of death shall contain the following Contents items, and such other items as the department may designate:

(1) Full name of decedent. If an unnamed child the surname preceded by "Unnamed."

(2a) Place of death, including State, county, and township, village or city. If in a city, the street and house number; if in a hospital or other institution, its name shall be given instead of the street and house number; if in an industrial camp, the name of the camp shall be given.

(2b) Length of residence: (a) in place of death; (b) in California; (c) in the United States if of foreign birth.

(3) Usual residence of deceased, including State, county, and township, village or city, and if a city, the street and house number.

(4) Sex.

(5) Color or race.

(6a) Conjugal condition—as single, married, widowed or divorced.

(6b) Name of husband or wife.

(7) Date of birth, including the year, month, and day.

(8) Age, in years, months and days. If less than one day, the hours and minutes.

(9) Birthplace; at least State or foreign country, if known.

(10) The occupation of any person, male or female, who had any remunerative employment shall be reported, with the statement of trade, profession or particular kind of work.

(11) General industry or business in which work was done.

(12) Full name of father.

(13) Birthplace of father; at least State or foreign country, if known.

(14) Maiden name of mother.

(15) Birthplace of mother; at least State or foreign country, if known.

(16) Name and address of informant.

(17) Whether burial in ground, entombment, cremation or removal; and date of such interment.

(18) Signature and license number of embalmer; signature and address of funeral director, or person acting as such.

(19) Official signature of registrar, with date when certificate was filed; registered number.

(20) Date of death; year, month and day.

(21) Certification as to medical attendance on decedent, fact and time of death, time last seen alive, and the cause of death, with contributory (secondary) cause of complication, if any, and date of onset or duration of each.

(22) Certification as to action of the coroner when compelled to act by law, stating kind of action taken, whether inquest, autopsy or inquiry, and the fact and cause of death.

(23a) If death is due to accidental or violent means, it shall be stated as to whether accident, suicide or homicide; date of injury; place of injury, whether in home, industry or public place; manner and nature of injury.

(23b) Whether or not disease or injury is related to occupation.

(24) Signature and address of attending physician, or the signature of the coroner, with the statement of the county of which he is an officer.

(Amended by Stats. 1939, Ch. 101, and by Stats. 1941, Ch. 182.)

10376. (Repealed by Stats. 1939, Ch. 101.)

Disposition  
of body

10377. The statement of facts relating to the disposition of the body shall be signed by the funeral director or person acting as funeral director.

### Article 3. The Medical Certificate

Who must  
make

10400. The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased except in the following cases:

(a) Where the attending physician is unable to state the cause of death.

(b) Where a person has been killed or has committed suicide.

(c) Where death is the result of an accident.

(d) Where an injury is a contributing cause of death.

(e) Where the death occurred under such circumstances as to afford a reasonable ground to suspect that it was caused by the criminal act of another.

Delivery

10401. The physician shall within 15 hours after the death deposit the certificate at the place of death, or deliver it to the attending funeral director at his place of business or at the office of the physician.



10402. The physician shall specify in the certificate the time in attendance, the time he last saw the deceased person alive and the hour of the day at which death occurred. Specifi-  
cations

10403. The physician shall state the cause of death, so as to show the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause) and the contributory (secondary) cause, if any, and the duration of each. Cause of  
death

10404. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, are not sufficient for the issuance of a burial or removal permit. Any certificate containing only such terms, as defined by the State registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement. Indefinite  
terms

10405. Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal. Death from  
disease or  
violence

#### Article 4. Duties of Coroner

10425. The certificate of death shall be made by the coroner in case of any death occurring under any of the following circumstances: Death  
certificate

- (a) Without medical attendance.
- (b) During the continued absence of the attending physician.
- (c) Where the attending physician is unable to state the cause of death.
- (d) Where the deceased person was killed or committed suicide.
- (e) Where the deceased person died as the result of an accident.
- (f) Under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another.

10426. The physician, funeral director, or other person in charge of the body shall notify the coroner or other proper official of such death for investigation and certification. Notification

10427. The coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall: Information

- (a) State in his certificate the name of the disease causing death, or if from external causes (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal.
- (b) Furnish such information as may be required by the State registrar in order properly to classify the death.

Upon the issuance of the death certificate and burial permit the cemetery authority may proceed with the interment.

(Amended by Stats. 1941, Ch. 182.)

- Same 10428. The certificate shall contain as many facts required by this division as can be ascertained.
- Delivery 10429. The coroner shall within three days after examining the body deliver the death certificate to the attending funeral director.

### Article 5. Duties of Funeral Directors

- \*Death certificate: Filing 10450. The funeral director, or person acting as funeral director, shall file the certificate of death with the local registrar of the district in which the death occurred and obtain an interment or removal permit prior to any disposition of the body.
- Particulars 10451. He shall obtain the required personal and statistical particulars from the person best qualified to supply them, and the name and address of his informant.  
(Amended by Stats. 1941, Ch. 182.)
- Signature 10452. The death certificate shall be signed by the attending physician, if any, or by the coroner or other proper official either directly or as directed by the local registrar, giving the medical certificate of the cause of death and other particulars necessary to complete the record.
- Statement 10453. The funeral director shall state the facts required relative to the date and place of interment or removal, over his signature and with his address.
- Presentation 10454. The completed certificate shall be presented to the local registrar in order to obtain a permit for interment, removal or other disposition of the body.

### Article 6. Burial and Removal Permits

- Issuance 10475. If the certificate of death is properly executed and complete, the local registrar shall issue a permit for removal or interment, which in all cases shall specify the name of a cemetery where the remains shall be interred, except that in case the death occurred from a disease declared by the State department to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar, except under such conditions as may be prescribed by the State department and local boards of health.  
(Amended by Stats. 1941, Ch. 182.)
- Delivery or attachment 10476. The funeral director shall deliver the burial permit to the person in charge of the place of interment, before interring or otherwise disposing of the body; or shall attach the removal permit to the box containing the body, when shipped by any transportation company.
- To accompany body 10477. The burial or removal permit shall accompany the body to its destination, where, if within this State, it shall be delivered to the person in charge of the place of interment.

## Article 7. Procedure on Identification of Bodies of Unknown Persons

10500. If the body of an unknown person is identified after filing the death certificate, the coroner having jurisdiction shall file with the State Registrar a death certificate giving the name of the person and all statistical particulars which have been discovered concerning him. Death certificate

10501. The certificate shall be filed with the original record and shall become a part of it. Filing

## CHAPTER 5. MARRIAGE REGISTRATION

10525. Every person who performs a marriage ceremony in this State shall within three days after the ceremony file with the county recorder a certificate of registry of the marriage. Certificate of registry

10526. The form of the certificate shall be prescribed by the State registrar and shall contain among other matters as near as can be ascertained: Contents

- (a) The place and date of marriage.
- (b) The sex, race, color, age, name and surname, birthplace, and residence of the parties married.
- (c) The number of marriages and condition of each party, whether single, widowed or divorced.
- (d) The occupation of the parties.
- (e) The maiden name of the female, if previously married.
- (f) The names and birthplaces of the parents of each, and the maiden name of the mother of each.

10527. The county recorder shall receive without fee or charge each certificate of registry of marriage. Fee

10528. He shall make a complete and accurate copy of each certificate registered by him, upon a form identical with the original certificate, and file and preserve it in his office as the local record of marriage in the manner directed by the State registrar. Copy

10529. The recorder shall carefully examine each report, and register the same marriage but once, although reported by different persons. Registration

10530. He shall number and enter the marriage certificates in the order in which they are reported to him, beginning with number one for the first marriage in each calendar year. Entry

10531. He shall sign his name as registrar in attest of the date of filing each marriage certificate in his office. Attestation

10532. On or before the fifth day of each month he shall mail or deliver to the State Registrar the original certificates of marriages, filed with him during the preceding month. Delivery to State Registrar

10533. The State registrar shall file the original certificates of marriage and cause them to be separately and systematically indexed. Indexing



- Additional information** 10534. The State registrar shall carefully examine the certificates of marriage received monthly from the county recorders and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record satisfactory.
- Duty to furnish information** 10535. All persons upon whom the duty is imposed of certifying to marriages, and all other persons having knowledge of the facts shall furnish such information as they may possess regarding any marriage upon demand of the State registrar in person, by mail, or through the local registrar.
- Failure to perform duty** 10536. Every officer or person upon whom a duty is imposed under this chapter who fails, neglects or refuses to perform any of the duties imposed upon him under this chapter or by the instructions and directions of the State registrar is guilty of a misdemeanor.

## CHAPTER 6. CERTIFIED COPIES OF RECORDS

- Supplying** 10550. The State or local registrar shall, upon request and payment of the required fee, supply to any applicant a certified copy of the record of any birth, death, or marriage registered with him.
- Prima facie evidence** 10551. Any photostatic copy of the record of a birth, death, or marriage, or a copy, properly certified by the State or local registrar to have been registered within a period of one year from the date of the event is prima facie evidence in all courts and places of the facts stated in it.
- (Amended by Stats. 1941, Ch. 647, and by Stats. 1943, Ch. 999.)

## CHAPTER 7. CORRECTION OF RECORD

- Affidavit** 10575. Whenever the facts are not correctly stated in any certificate of birth, death, or marriage, already registered, the local registrar shall require an affidavit under oath to be made by the person asserting that the error exists, stating the changes necessary to make the record correct, and supported by the affidavit of one other credible person having knowledge of the facts.
- Filing and amendment** 10576. The local registrar shall file the affidavits with an amended certificate and shall note the fact of the amendment with its date on the margin of the otherwise unaltered original certificate.
- Transmittal to State Registrar** 10577. He shall transmit the original certificate with the affidavits and amended certificate attached when making his regular monthly returns to the State Registrar and shall retain copies for his files.
- Same** 10578. If the correction relates to a certificate previously returned to the State registrar, the local registrar shall forthwith transmit the affidavits to the State registrar.
- Transmittal to local registrar** 10579. If the correction is first made in the Bureau of Vital Statistics, the State registrar shall transmit a certified copy of the amended certificate to the local registrar.

## CHAPTER 8. PROCEEDINGS TO ESTABLISH RECORD OF BIRTH, DEATH OR MARRIAGE

(Chapter heading amended by Stats. 1941, Ch. 95. In effect April 15, 1941.)

10600. If any birth, death, or marriage, occurring in this Petition  
State:

(a) Was not at the time it occurred required by law to be registered; or

(b) Was not registered in conformity with the provisions of law in effect at the time it occurred by the filing of the proper certificate with the local registrar within a period of one year from the date of the event or if such record has been filed but thereafter lost or destroyed, any person beneficially interested in establishing of record the fact of and the time and place of, such birth, death, or marriage may file with the county clerk a verified petition for an order judicially establishing the fact of, and the time and place of the birth, death, or marriage in either of the following courts:

(1) The superior court of the county in which the birth, death or marriage is alleged to have occurred.

(2) The superior court of the county in which the person whose birth or marriage it is sought to establish is residing; or, if such person has died, the superior court of the county in which such person was domiciled at the date of death.

(Amended by Stats. 1939, Ch. 540, by Stats. 1941, Ch. 95, and by Stats. 1943, Ch. 12. In effect February 5, 1943.)

10600.5. If a person, domiciled in this State, was born or married outside of the State, or, if any person domiciled in this State at the time of his death, died outside of the State, and the birth, death, or marriage was not registered in the State or country in which it occurred, or a certified copy of the record of the birth, death, or marriage is not obtainable, any person beneficially interested in establishing of record the fact of the birth, death, or marriage, may petition the superior court of the county in which the person, if a living person, resides, or if the person has died, in the county in which he was domiciled at the date of his death, for an order judicially establishing the fact of the birth, death, or marriage. Petition:  
Out-of-State  
record

(Added by Stats. 1939, Ch. 1120.)

10601. The petition shall be verified and shall contain all the facts necessary to enable the court to determine the fact of and the time and place of the birth, death, or marriage upon the proofs adduced in behalf of the petitioner at the hearing. Contents

(Amended by Stats. 1941, Ch. 95. In effect April 15, 1941.)

10602. At least five days before the date of the hearing, a Service  
copy of the petition shall be served upon the district attorney

of the county in which the petition is filed, together with a notice of the time and place of the hearing and he may appear at the hearing and oppose the making of the order.

(Amended by Stats. 1941, Ch. 95, and by Stats. 1943, Ch. 12.

In effect February 5, 1943.)

**Hearing** 10603. Upon the filing of the petition a hearing shall be fixed by the clerk and at the convenience of the court set at a time not less than 5 nor more than 10 days after the filing of the petition. The hearing may be held in chambers. The court, for good cause, may continue the hearing beyond the 10-day period.

(Amended by Stats. 1941, Ch. 95, and by Stats. 1943, Ch. 12.

In effect February 5, 1943.)

**Filing fee** 10604. The fee for filing the petition shall be three dollars (\$3) one dollar (\$1) of which shall go to the law library fund of the county.

**Hearing** In counties having more than one superior court judge, the petition may be heard by any judge thereof hearing probate matters, or if a probate department has been designated for hearing probate matters, the clerk shall assign the matter to the probate department for hearing.

(Amended by Stats. 1943, Ch. 12. In effect February 5, 1943.)

**Order** 10605. If, upon the hearing, the allegations of the petition are established to the satisfaction of the court, the court may make an order determining that the birth, death, or marriage did in fact occur at the time and place shown by the proofs adduced at the hearing.

(Amended by Stats. 1939, Ch. 1120.)

**Form of order** 10606. The order shall be made in the form and upon the blank prescribed and furnished by the State registrar and only one birth, death, or marriage shall be included in it.

**Filing** 10607. The order shall become effective upon a filing of a certified copy (a) with the local registrar of vital statistics of the district in which the birth or death occurred, if it occurred in this State, or in the case of marriage with the county recorder. If the event occurred outside the State, the order shall be filed with the registrar of the district or the county recorder of the county, as the case may be, in which the petitioner resides, and (b) with the State Registrar of Vital Statistics.

(Amended by Stats. 1941, Ch. 95, and by Stats. 1943, Ch. 12. In effect February 5, 1943.)

## CHAPTER 8.5. REGISTRATION OF PREVIOUSLY UNREGISTERED BIRTHS

(Chapter 8.5 added by Stats. 1943, Ch. 13.)

**Application** 10615. Any beneficially interested person born in this State, whose birth (a) was not required by law to be registered at the time it occurred, or (b) was not registered in conformity with law at the time it occurred, or if the record was filed but was thereafter lost or destroyed, may file an application for the original registration of such birth with the State Registrar or local registrar of the district in which the birth occurred. The



application and the affidavits mentioned in Section 10616 shall be on forms prescribed and furnished by the State Registrar and shall contain such information as may be necessary to enable the State Registrar to determine whether such birth did in fact occur and shall show the place and the date of such birth. The application shall be filed in duplicate. The State Registrar shall immediately mail the duplicate application to the district attorney of the county in which the birth is alleged to have occurred.

The provisions of this chapter are not exclusive of the provisions of Chapters 7 and 8 of this division, but offer an alternative method of securing records of birth.

Affidavits or documents of aliens ineligible for citizenship shall not be accepted.

Birth certificates issued pursuant to this chapter shall not be considered as evidence in any action or proceeding involving estates of decedents or in any proceeding to establish heirship unless the affidavit of at least one person who knew the facts was filed at the time of obtaining the certificate.

(Added by Stats. 1943, Ch. 13. In effect February 5, 1943.)

10616. The application for birth record shall be accompanied by:

(a) An affidavit of the physician, midwife or other person who attended at the birth.

(b) If the affidavit of the persons named in (a) can not for any reason be secured, the affidavits of both natural parents of the person whose birth it is desired to register, if both are living and available and the person is under the age of 21 years. If one parent is dead or is not available, or if the person is over 21 years of age, the affidavit of any other person who knows the facts may be accepted in lieu of the affidavit of one parent.

(c) If neither parent is living or available, the affidavit of two other persons, either relatives or nonrelatives, who have actual knowledge of the facts, and who at the time of birth were of sufficient age to have a recollection thereof.

Affidavits filed in accordance with provisions (a), (b) and (c) shall be accompanied by at least one piece of documentary evidence showing place and date of birth as outlined in provision (d) of this section; provided, however, that if a child has not yet reached its fifth birthday, the affidavit by the attendant or one parent is sufficient.

(d) If none of the affidavits mentioned in (a), (b), or (c) can be secured, at least two documents, in which the facts showing the date and place of birth were recorded more than five years before the date of application. Original or certified copies of hospital records, baptismal certificates or other church records, school records, census records, insurance policies or statements in applications for insurance policies, Army, Navy or Marine discharges, naturalization certificates of foreign-born parents showing registrant's name and age, voting registration records, family Bible records, birth certificates of registrant's child, marriage certificates, newspaper notices of birth, if sufficiently complete to establish birth, shall be accepted. If the

aforementioned documents are not available, or are incomplete, the registrar may accept other documents which establish the facts.

All affidavits filed pursuant to this section shall contain a statement showing the basis of the affiant's knowledge of the facts sworn to pertaining to the date and place of birth.

Upon the filing of any such application with a local registrar he shall immediately transmit it to the State Registrar, together with the filing fee hereafter in Section 10618 of this code provided.

(Added by Stats. 1943, Ch. 13. In effect February 5, 1943.)

Delayed  
certificate  
of birth

10617. The State Registrar after the expiration of 10 days from receipt by him of acknowledgment of receipt of the duplicate application by the district attorney, shall review the application and the affidavits and documentary evidence accompanying it, and if the evidence submitted complies with the provisions of Section 10615 and 10616 hereof, he shall issue and file a delayed certificate of such birth. He shall prepare either duplicate originals or certified copies of the certificate and transmit a copy to the local registrar of the district and the county recorder of the county in which such birth occurred, who shall index it as a record of "Delayed Certificates of Birth," except that if the birth occurred in a city and county he shall transmit a copy of the delayed certificate to the local registrar only. He shall also transmit either a duplicate original or certified copy of the certificate to the applicant without cost.

(Added by Stats. 1943, Ch. 13; amended by Stats. 1943, Ch. 1092. In effect June 8, 1943.)

NOTE.—Section 10617 as added by Stats. 1943, Ch. 13, reads as follows:

10617. The State Registrar after the expiration of 10 days from receipt by him of acknowledgment of receipt of the duplicate application by the district attorney, shall review the application and the affidavits and documentary evidence accompanying it, and if the evidence submitted complies with the provisions of Section 10615 and 10616 hereof, he shall issue and file a delayed certificate of such birth. He shall prepare either duplicate originals or certified copies of the certificate and transmit a copy to the local registrar of the district and the county recorder of the county in which such birth occurred, who shall index it and place it in a book marked "Delayed Certificates of Birth," except that if the birth occurred in a city and county he shall transmit a copy of the delayed certificate to the local registrar only. He shall also transmit either a duplicate original or certified copy of the certificate to the applicant without cost.

Filing fee

10618. A fee of four dollars (\$4) shall be paid at the time of filing to the State Registrar or local registrar for each application filed. The State Registrar shall retain three dollars (\$3) from each such fee, and shall transmit one dollar (\$1) to the local registrar together with the copy of the delayed certificate.

(Added by Stats. 1943, Ch. 13. In effect February 5, 1943.)

Disposition  
of money  
received

10619. The money so received by any local registrar who is also county recorder or clerk or health officer of any city and whose salary is by law his sole compensation for his services, shall be by him paid into the county or city treasury as the case may be.

(Added by Stats. 1943, Ch. 13. In effect February 5, 1943.)

10620. Any person who wilfully makes or files or causes to be made or filed a false certificate or affidavit pursuant to this chapter is guilty of a felony and is also liable to the State of California for a civil penalty in the amount of five hundred dollars (\$500). Such civil penalty may be recovered in an action filed by the Attorney General in any court of competent jurisdiction. Three-quarters of the sum representing a penalty so recovered shall be paid into the State Treasury to the credit of the State General Fund and one-quarter into the treasury of the county or city in which the district is located in which the record of birth is filed or offered for filing.

(Added by Stats. 1943, Ch. 13. In effect February 5, 1943.)

10621. (Added by Stats. 1943, Ch. 13; repealed by Stats. 1943, Ch. 1092. In effect June 8, 1943.)

10622. (Added by Stats. 1943, Ch. 13; repealed by Stats. 1943, Ch. 1092. In effect June 8, 1943.)

(Chapter 8.5 added by Stats. 1943, Ch. 13.)

## CHAPTER 9. FEES OF STATE AND LOCAL REGISTRARS

10625. The fee for the making and certification of a certified copy of a birth, death, or marriage record shall be paid by the applicant and shall be fixed by the State Director of Public Health, subject to the approval of the State Director of Finance. The fee shall not exceed one dollar and fifty cents (\$1.50) for each certified copy.

(Amended by Stats. 1941, Ch. 95. In effect April 15, 1941.)

10626. The fee for any search of the files and records when no certified copy is made shall be paid by the applicant and shall be fixed by the State Director of Public Health, subject to the approval of the State Director of Finance. The fee shall not exceed one dollar and fifty cents (\$1.50) for each hour or fractional hour of time of search.

(Amended by Stats. 1941, Ch. 95. In effect April 15, 1941.)

10627. The State Registrar shall keep a true and correct account of all fees by him received, and the fees shall be deposited with the State Treasurer, for credit to the General Fund.

10628. The money collected by the local registrar shall be paid by him into the county or city treasury, as the case may be.

10629. The local registrar shall, upon request of any parents or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when it is necessary for admission to school, or for the purpose of securing employment.

10630. The United States Census Bureau or the United States Veterans Bureau may obtain, without expense to the State, transcripts of births and deaths without payment of fees.

## CHAPTER 10. COMPENSATION OF LOCAL REGISTRARS

10650. The State registrar shall quarterly certify to the auditors of the several counties the number of births and



deaths properly registered, with the names of the local registrars and the amounts due each at the rates fixed by this division.

When not payable 10651. No fee shall be paid by the county to, or for the services of, any local registrar who is also clerk or health officer of any city and whose salary as clerk or health officer is by law his sole compensation for his services.

Payment 10652. All amounts shall be paid by the treasurer of the county in which the registration district is located, upon warrants drawn by the auditor.

Amount 10653. Each local registrar entitled to compensation shall be paid the sum of twenty-five cents (\$0.25) for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the State registrar out of which fees he shall pay the subregistrar the sum of fifteen cents (\$0.15) in each case where the certificate is registered with the subregistrar.

Same 10654. If no births or no deaths were registered during any month, the local registrar is entitled to be paid the sum of twenty-five cents (\$0.25) for each report to that effect, but only if the report is made promptly as required by this division.

## CHAPTER 11. PENALTIES

Scope of chapter 10674. This chapter does not apply to violations of Chapter 5 of this division.

Failure to furnish information 10675. Every person who refuses or fails to furnish correctly any information in his possession, or furnishes false information affecting any certificate or record, required by this division is guilty of a misdemeanor.

Falsification of certificate 10676. Every person who wilfully alters, otherwise than as permitted by this division, or falsifies any certificate of birth or death, or any record established by this division is guilty of a misdemeanor.

Failure to fill out certificate 10677. Every person who is required to fill out a certificate of birth or death and file it with the local registrar, or deliver it, upon request, to any person charged with the duty of filing it, and who fails, neglects, or refuses to perform such duty in the manner required by this division is guilty of a misdemeanor.

Neglect of duty 10678. Every local registrar, deputy registrar, or subregistrar, who fails, neglects, or refuses to perform his duty as required by this division and by the instructions and directions of the State registrar thereunder, is guilty of a misdemeanor.

10679. The punishment for misdemeanors referred to in <sup>Punishment</sup> this chapter shall be as follows:

(a) For the first offense a fine of not less than ten dollars (\$10).

(b) For each subsequent offense a fine of not less than fifty dollars (\$50), or imprisonment in the county jail not more than 60 days, or by both.

## DIVISION 10. NARCOTICS

### CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

#### Article 1. Definitions

11000. As used in this division, the terms "physician," <sup>Definitions</sup> "veterinarian," "dentist," "chiropodist," "pharmacist," and "osteopathic physician and surgeon," or any similar designation, mean persons who hold valid, unrevoked certificates to practice their respective professions in this State, issued by their respective examining boards in this State. The term "physician" includes physician and surgeon and also osteopathic physician and surgeon.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 1116.)

11001. "Narcotics," as used in this division, means any "Narcotics" of the following:

- (a) Cocaine.
- (b) Opium.
- (c) Morphine.
- (d) Codeine.
- (e) Heroin.
- (f) Alpha eucaine.
- (g) Beta eucaine.
- (h) Chloral hydrate.

(i) All parts of the plant loco weed or of the plant cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; but not including the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11002. "Narcotics," as used in this division, also means any of the salts, derivatives, or compounds of a narcotic or any preparation or compound containing a narcotic or its salts, derivatives, or compounds.

- "Cannabis sativa" 11003. "Cannabis sativa," as used in this division, means the male or female of any species commonly known as cannabis sativa, hemp, Indian hemp, or marihuana.  
(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1943, Ch. 468.)
- "State division" 11004. "State division," as used in this division, means the Division of Narcotic Enforcement in the State Department of Penology.
- "Chief" 11005. "Chief," as used in this division, means the Chief of the Division of Narcotic Enforcement.
- "Board of Pharmacy" 11006. "Board of Pharmacy," as used in this division, means the California State Board of Pharmacy.
- "Prescription" 11007. "Prescription," as used in this division, means a prescription for a narcotic.
- "Sale" 11008. "Sale," as used in this division, includes barter, exchange, or gift, or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.
- "Addict" 11009. "Addict," as used in this division, means a person who unlawfully uses, or is addicted to the unlawful use of, narcotics.  
(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)
- "Opium pipe" 11010. "Opium pipe," as used in this division, includes a pipe, together with the usual attachments, or other apparatus used or intended to be used in the smoking of opium or heroin.  
(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)
- "Vehicle" 11011. "Vehicle," as used in this division, means any vehicle or equipment used for the transportation of persons or things.
- "Transport" 11012. "Transport," as used in this division, with reference to narcotics, includes "conceal," "convey," or "carry."
- "Owner" 11013. "Owner," as used in this division, with reference to a vehicle, means any person having any right, title, or interest in it.

## Article 2. Scope and General Provisions

- Records 11035. Any record required by this division shall be open at all times to inspection by properly authorized officers of the law, including inspectors of the State division and the Board of Pharmacy. It is unlawful to refuse to permit, or to obstruct such inspection.  
(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)



11036. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

## CHAPTER 2. DIVISION OF NARCOTIC ENFORCEMENT

11100. There is in the Department of Penology a Division of Narcotic Enforcement. Division of  
Narcotic  
Enforcement

11101. There is a Chief of the Division of Narcotic Enforcement, who is appointed and whose salary is fixed by the Governor. Chief

11102. The State division shall enforce all laws regulating the cultivation, production, sale, giving away, prescribing, administering, furnishing, or having in possession narcotic or other dangerous drugs other than those drugs enumerated in schedules "A" and "B" of Chapter 102, Statutes of 1907. Enforcement  
of laws  
(Amended by Stats. 1941, Ch. 394.)

11103. The chief may, subject to the approval of the Department of Finance, employ and fix the compensation of such inspectors, chemists, clerical, and other employees as are necessary. Two of the inspectors shall be registered licentiates in pharmacy. Employees

11104. The State division may employ a physician to interview and examine any patient for whom any narcotic has been prescribed or to whom any narcotic has been furnished or administered, and who is an habitual user of narcotics. Physician

The patient shall submit to the interview and examination and shall not in any manner hinder or impede it.

The physician employed by the State division to conduct the interview and examination shall report the results of the examination and interview to the State division. Report

The physician so employed may testify in any action brought under this division or in any hearing before the State Board of Medical Examiners and his testimony is not privileged. Testimony

Every person who violates any provision of this section is guilty of a misdemeanor. Penalty

11105. The chief and the inspectors appointed by him have the powers and duties of peace officers in the performance of their duties. Peace officer  
powers

11106. The chief and the inspectors appointed by him, when authorized so to do by the chief, may expend such sums as the chief deems necessary in the purchase of drugs for evidence and in the employment of operators to obtain evidence. Expenditures  
for evidence

The sums so expended shall be repaid to the officer making the expenditures upon claims audited by the chief and approved by the Department of Finance. The claims when approved shall be paid out of the funds appropriated or made available by law for the support or use of the State division. Repayment

Record inspection 11107. This division does not prohibit the inspectors of the Board of Pharmacy from inspecting records in connection with the regulation of the sale, giving away, prescribing, or administering, of narcotics or other drugs.

### CHAPTER 3. PRESCRIPTIONS

#### Article 1. Requirements of Prescriptions

Who may write 11160. Except as otherwise provided in this division, no person shall possess, transport, sell, furnish, administer or give away, or offer to transport, sell, furnish, administer or give away, or attempt to transport a narcotic except upon the written prescription of a physician, dentist, chiropodist or veterinarian licensed to practice in this State.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 1116.)

Same 11161. No person other than a physician, dentist, chiropodist or veterinarian shall write a prescription.

(Amended by Stats. 1941, Ch. 1116.)

Conformance 11162. No person shall write or issue a prescription that does not conform to this division.

Person for whom prescribed 11163. Except in the regular practice of his profession, no person shall prescribe, administer, or furnish, a narcotic to or for any person who is not under his treatment for a pathology or condition other than narcotic addiction, except as provided in this division.

Addict 11164. No person shall prescribe for or administer a narcotic to an addict, or to any person representing himself as such, except as permitted by this division.

Falsity 11165. No person shall issue a prescription that is false or fictitious in any respect.

Execution and contents 11166. No person shall write a prescription unless it is wholly written, in handwriting, signed, and dated by him as of the date on which it is written, and contains the name and address of the person for whom prescribed.

(Amended by Stats. 1939, Ch. 1097.)

Prescription books 11166.05. Prescription blanks shall be issued by the State division in serially numbered groups of 100 forms in triplicate each, and shall be furnished free of cost to any person authorized to write a prescription.

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11166.06. The prescription blanks shall be printed on distinctive paper, serial number of the group being shown on each form, and also each form being serially numbered. Triplicate books

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11166.07. Not more than one such prescription group shall in any case be issued or furnished by the State division to the same prescriber at one time, nor during any period of 90 days unless the prescriber shall show to the satisfaction of the State division that for some extraordinary reason additional prescription blanks are necessary. Limitation

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11166.08. No person shall issue a prescription other than on the official prescription form issued by the State division, and no person shall fill any prescription other than on the official prescription form issued by the State division, except that in the case of an epidemic or a sudden or unforeseen accident or calamity a prescriber may issue a prescription upon a form other than the official prescription form issued by the State division, where failure to issue such prescription might result in loss of life or intense suffering, but such a prescription shall have indorsed thereon by the prescriber a statement concerning the accident, calamity, or circumstances constituting the emergency because of which the unofficial blank is used. Official blanks

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11166.09. All prescriptions on the official blanks shall be written in triplicate, all three copies signed by the prescriber. Prescriptions in triplicate

(Added by Stats. 1939, Ch. 1097.)

11166.1. The prescription book containing the prescriber's copies of prescriptions issued shall be retained by the prescriber which shall be preserved for two years and shall at all times be open to inspection by inspectors of the State division and inspectors of the Board of Pharmacy. Copy to keep

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11166.11. The original and duplicate copies of the prescription shall be delivered to the person filling the prescription. The original shall be retained by the person filling the prescription, and at the end of each month in which the prescriptions were issued, the duplicate shall be returned to the State division by the person filling it. Use of original and duplicate

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9.)



Exempt  
narcotics

11166.12. The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any preparations containing codeine or to preparations containing not more than two grains of opium to the fluid or avoirdupois ounce, without additional narcotics when compounded with other medicinal ingredients or to preparations containing apomorphine hydrochloride, or ethylmorphine hydrochloride (dionin), prescribed in writing in good faith for medicinal purposes only.

When codeine, or tincture opii camphorata (paregoric) is not compounded with other ingredients, it shall be prescribed on the official blanks.

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 744.)

11167. No person shall prescribe, administer, or furnish a narcotic for himself.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

Conditions

11168. No person shall prescribe, administer, or furnish a narcotic except under the conditions and in the manner provided by this division.

Dating

11169. No person shall antedate or postdate a prescription.

False  
statement

11170. No person shall, in connection with the prescribing, furnishing, administering, or dispensing of a narcotic, give a false name or address or make any false statement.

Illegal  
possession

11171. No person shall obtain or possess a prescription that does not comply with this division.

Filling:  
Telephone  
order

11172. No person shall furnish a narcotic pursuant to a telephone order, except that in an emergency a pharmacist may deliver a narcotic through his employee or responsible agent pursuant to the telephone order of a person authorized to prescribe a narcotic, if the employee or agent is supplied with a prescription before delivery.

The employee or agent shall immediately deliver the prescription to the pharmacist. The pharmacist shall file the prescription within a reasonable time.

Altered  
prescription

11173. No person shall fill a prescription if it shows evidence of alteration, erasure, or addition by any person other than the person writing it.

Tender

11174. No person shall fill a prescription unless it is tendered to him on or before the seventh day following the date of issue.

Retention

11175. A person who fills a prescription shall keep it on file for at least three years from the date of filing it.

11176. No person shall obtain or possess a narcotic obtained by a prescription that does not comply with this division. Prohibited  
narcotic  
possession

11177. A narcotic prescription on file shall at all times be open to inspection by the prescriber, and properly authorized officers of the law, including all inspectors of the State division and of the Board of Pharmacy. Inspection

11178. (Added by Stats. 1939, Ch. 1097; repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

## Article 2. Exempt Narcotics

11200. The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations or to remedies or prescriptions sold or prescribed in good faith for medicinal purposes only and not for the purpose of satisfying addiction, containing not more than one grain of codeine in one fluid ounce without additional narcotics, or not more than 10 grains of chloralhydrate in one fluid ounce, or two grains of cannabis sativa in one fluid ounce, or, if a solid preparation, in one ounce avoirdupois. Exemptions

(Amended by Stats. 1939, Ch. 1097, by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 744.)

11201. This article does not except tincture opii camphorata (commonly known as paregoric) from the provisions of this division and it may be sold only upon the prescription of a physician, and the prescription shall not be again refilled or dispensed. Paregoric

## Article 3. Prescriber's Record

11225. Every person who issues a prescription, or administers or dispenses a narcotic shall make a record that, as to the transaction, shows all of the following: Contents

- (a) The name and address of the patient.
- (b) The date.
- (c) The character and quantity of narcotics involved.
- (d) The pathology and purpose for which the prescription is issued, or the narcotic administered, prescribed, or dispensed.

11226. The record shall be preserved for two years and shall at all times be open to inspection by inspectors of the State division and inspectors of the Board of Pharmacy. Inspection

Every person who violates any provision of this section is guilty of a misdemeanor. Penalty

11227. In a prosecution under this division proof that a defendant received or has had in his possession at any time a greater amount of narcotics than is accounted for by any record required by law is prima facie evidence of guilt. Prima facie  
evidence

## Article 4. Copies of Prescriptions

**Copies** 11250. Whenever the pharmacist's copy of a narcotic prescription is removed by a peace officer, inspector of the State division, or inspector of the Board of Pharmacy, for the purpose of investigation or as evidence, the officer or inspector shall give to the pharmacist a receipt in lieu thereof.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

## Article 5. Refilling Prescriptions

**Refilling** 11275. No person shall refill a narcotic prescription. However, where a prescription was originally issued for a narcotic preparation for which a prescription was not by law required, a prescription can be refilled unless the prescriber otherwise directs.

(Amended by Stats. 1939, Ch. 1097.)

## CHAPTER 4. USE OF NARCOTICS

## Article 1. Lawful Medical Use Other Than Treatment of Addicts

**Prescriptions for certain patients** 11330. A physician may prescribe for, furnish to, or administer narcotics to his patient when the patient is suffering from a disease, ailment, injury, or infirmities attendant upon old age, other than narcotic addiction.

The physician shall prescribe, furnish, or administer narcotics only when in good faith he believes the disease, ailment, injury, or infirmity, requires such treatment.

The physician shall prescribe, furnish, or administer narcotics only in such quantity and for such length of time as are reasonably necessary.

**Prohibition** 11331. A physician shall not furnish or prescribe narcotics in order to satisfy the narcotic addiction of a user of narcotics.

**Emergency cases** 11331.5. In order to provide a supply of narcotics as may be necessary to handle emergency cases, any hospital which does not employ a resident pharmacist and which is under the supervision of a licensed physician, may purchase narcotics on Federal order forms for said institution, under the name of said licensed physician, said supply to be made available to a registered nurse for administration to patients in emergency cases, upon direction of a licensed physician.

A report showing the kind and amount of narcotics purchased on the Federal order form shall be forwarded, by registered mail, to the Division of Narcotic Enforcement, at the time such narcotics are purchased.

(Added by Stats. 1941, Ch. 394.)

11332. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)



## Article 2. Treatment of Addicts for Addiction

11390. Any narcotic employed in treating an addict for addiction shall be administered by a physician, or by a registered nurse acting under his instruction. Narcotic administration

11391. No person shall treat an addict for addiction except in one of the following: Place of treatment

(a) An institution approved by the Board of Medical Examiners, and where the patient is kept under restraint and control.

(b) A city or county jail.

(c) A State prison.

(d) A State narcotic hospital.

(e) A State hospital.

This section does not apply during emergency treatment or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11392. A physician treating an addict for addiction shall not prescribe for or furnish the addict more than any one of the following amounts of narcotics during each of the first 15 days of such treatment: Maximum

(a) Eight grains of opium.

(b) Four grains of morphine.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11393. After 15 days of treatment the physician shall not prescribe for or furnish to the addict more than any one of the following amounts of narcotics during each day of such treatment: Same

(a) Four grains of opium.

(b) Two grains of morphine.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11394. At the end of 30 days from the first treatment, the prescribing or furnishing of narcotics shall be discontinued. Discontinuance of treatment

11395. The physician treating an addict for addiction shall within five days after the first treatment report by registered mail, over his signature, to the State division, stating the name and address of the patient, and the name and quantities of narcotics prescribed. Physician's reports

The report shall state the progress of the patient under the treatment.

The physician shall in the same manner further report on the fifteenth day of the treatment and on the thirtieth day of the treatment, and thereafter shall make such further reports as are requested in writing by the State division.

11396. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

## Article 3. Physicians' Reports

11425. A physician prescribing or furnishing a narcotic to an habitual user shall within five days after first prescribing or furnishing the narcotic personally report in writing by registered mail, over his signature, to the State division.

The report shall contain all of the following:

- (a) Name of the patient.
- (b) Address of the patient.
- (c) Character of the injury or ailment.
- (d) Quantity and kind of narcotic used.
- (e) A statement as to whether or not the patient is an addict.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

Additional  
report

11426. The physician shall upon request in writing from the State division furnish any additional reports upon the treatment of the user as the State division may request in writing.

## Article 4. Veterinarians

Prohibition

11450. No veterinarian shall prescribe, administer, or furnish a narcotic for himself or any other human being.

Prescription  
statements

11451. A prescription written by a veterinarian shall state the kind of animal for which ordered and the name of the owner or person having custody of the animal.

## Article 5. Hypodermics

Order:  
Re sale

11475. No person shall sell, vend, give away, or furnish, either directly or indirectly, to any person other than a physician, dentist, veterinarian, pharmacist, or osteopath, a hypodermic syringe, or a hypodermic needle, without a written, signed order from a physician, dentist, osteopath, or veterinarian. The order shall contain the name and address of the party for whom ordered.

Same

11476. No person other than a physician, dentist, osteopath, chiropodist, registered nurse, veterinarian or pharmacist, shall have in his possession a hypodermic syringe or a hypodermic needle, or any instrument or contrivance used for the same purpose, unless it was purchased by the person with a written order signed by a physician, dentist, chiropodist, veterinarian, or osteopath.

(Amended by Stats. 1941, Ch. 1116.)

Refill

11477. No order shall be for more than one hypodermic syringe or for more than three hypodermic needles. No copy or duplicate of the order shall be made for or delivered to any person. The order or prescription shall not be refilled.

A registered nurse of this State or student nurse in any hospital or accredited training school for nurses may obtain

or possess a hypodermic syringe and hypodermic needles when working under the immediate direction and supervision of a physician, chiropodist, or dentist.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 1116.)

11478. The Board of Pharmacy may upon application and in its discretion issue a permit, revocable in its discretion, to any pharmacist, for a limited period, permitting and authorizing the pharmacist to sell and dispense hypodermic syringes and needles for specific purposes, to persons not addicted to the use of narcotics. Sales permit:  
Pharmacist

11479. The provisions of this division with reference to hypodermic syringes and needles do not apply to the sale at wholesale by drug jobbers, drug wholesalers and drug manufacturers to any of the following: Exemptions

(a) Pharmacies as defined in the Business and Professions Code.

(b) Physicians.

(c) Dentists.

(d) Chiropodists.

(e) Veterinarians.

(f) Other jobbers, wholesalers or manufacturers.

Nor do such provisions apply to the sale at retail in pharmacies by pharmacists to any of the following:

(a) Other pharmacists.

(b) Physicians.

(c) Dentists.

(d) Chiropodists.

(e) Veterinarians.

(Amended by Stats. 1941, Ch. 1116.)

## CHAPTER 5. MARIHUANA AND OPIUM

### Article 1. Marihuana

11530. No person shall knowingly plant, cultivate, cut, harvest, dry, or process any loco weed or cannabis sativa or any part thereof.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11531. It is unlawful to possess extracts, tinctures, or other narcotic preparations of hemp, or preparations or compounds containing more than two grains of cannabis sativa to each fluid or avoirdupois ounce.

This section does not apply to corn remedies containing not more than 15 grains of the extract or fluid extract of cannabis sativa to the ounce mixed with not less than five times its weight of calicylic acid combined with collodion.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)



## Article 1a. Opium Poppies

(Article 1a added by Stats. 1941, Ch. 394.)

**Permits** 11540. No person shall produce, cultivate, or grow any opium poppy (*Papaver somniferum*) or any other poppy from which narcotics may be obtained without having first obtained a permit so to do from the State division.

(Added by Stats. 1941, Ch. 394.)

**Proof required** 11541. No permit shall be issued under Section 11540 unless and until the applicant therefor has furnished proof satisfactory to the State division:

(a) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(b) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

No permit shall be granted to any person who has within five years been convicted of a wilful violation of any law of the United States, or of any State, relating to opium, coca leaves, or other narcotic drugs, or to any person who is a narcotic drug addict. The State division may suspend or revoke any permit for cause.

(Added by Stats. 1941, Ch. 394.)

## Article 2. Narcotic Pipes and Resorts

(Article heading amended by Stats. First Ex. Sess. 1940, Ch. 9.)

**Opium pipe** 11555. It is unlawful to possess an opium pipe.  
(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

**Visit** 11556. It is unlawful to knowingly visit or to be in any room or place where any narcotics are being or have recently been smoked.

(Added by Stats. First Ex. Sess. 1940, Ch. 9.)

**Places** 11557. It is unlawful to open or maintain to be resorted to by other persons any place in which narcotics are unlawfully sold, given away, or smoked.

(Added by Stats. First Ex. Sess. 1940, Ch. 9.)

## CHAPTER 6. SALE WITHOUT PRESCRIPTION

**Sale by pharmacies** 11570. No prescription is required in case of the sale of narcotics at retail in pharmacies by pharmacists to any of the following:

- (a) Physicians.
- (b) Dentists.
- (c) Chiropodists.
- (d) Veterinarians.

In any sale mentioned in this article, there shall be executed any written order that may otherwise be required by law.

(Amended by Stats. 1939, Ch. 1097, and by Stats. 1941, Ch. 1116.)

11571. No prescription is required in case of sales at whole- By jobber  
sale by jobbers, wholesalers and manufacturers to any of the  
following:

(a) Pharmacists as defined in the Business and Professions Code.

(b) Physicians.

(c) Dentists.

(d) Chiropodists.

(e) Veterinarians.

(f) Other jobbers, wholesalers or manufacturers.

(Amended by Stats. 1941, Ch. 1116.)

11572. All wholesale jobbers, wholesalers, and manufac- Written  
turers, mentioned in this division shall keep, in a manner orders or  
readily accessible, the written orders or blank forms required forms  
to be preserved under the provisions of Section 2 of the act U. S. C.,  
of Congress, approved December 17, 1914, relating to the pro- Title 26,  
duction, importation, manufacture, compounding, sale, dis- Sec. 1044  
pensing, or giving away of opium or coca leaves and salts,  
derivatives, or preparations.

11573. The written orders or blank forms shall always be Inspection  
open for inspection by any peace officer or any inspector or  
member of the Board of Pharmacy or the chief or any inspec-  
tor of the State division.

The written orders or blank forms shall be preserved for Preservation  
at least three years after the date of the last entry made.

11574. A true and correct copy of all orders, contracts, Forwarding  
or agreements taken for narcotics shall be forwarded by regis- copies of  
tered mail to the State division within 24 hours after the tak- orders, etc.  
ing of the order, contract, or agreement, unless the order, con-  
tract, or agreement is recorded as required under the provi-  
sions of Section 2 of an act of Congress, approved December  
17, 1914, relating to the production, importation, manufacture,  
compounding, sale, dispensing, or giving away of opium or  
coca leaves, their salts, derivatives, or preparations, by a  
wholesale jobber, wholesaler, or manufacturer, permanently  
located in this State, as provided for in that section.

11575. The taking of any order, or making of any con- Order, etc.,  
tract or agreement, by any traveling representative or for future  
employee of any person for future delivery in this State, of delivery  
any narcotic constitutes a sale within the meaning of this  
division.

Forwarding  
copy of  
order, etc. 11576. Within 24 hours after any purchaser in this State gives any order to, or makes any contract or agreement for purchases from or sales by, an out-of-State wholesaler or manufacturer of any narcotics for delivery in this State, the purchaser shall forward to the State division by registered mail a true and correct copy of the order, contract, or agreement.

## CHAPTER 7. ENFORCEMENT

### Article 1. Forfeiture of Vehicles

Forfeiture 11610. A vehicle used to unlawfully transport any narcotic, or in which any narcotic is unlawfully kept, deposited or concealed, or in which any narcotic is unlawfully possessed by an occupant thereof, shall be forfeited to the State.  
(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

Seizure 11611. Any peace officer of this State, upon making or attempting to make an arrest for a violation of this division, shall seize any vehicle used to unlawfully transport any narcotic, or in which any narcotic is unlawfully kept, deposited or concealed, or in which any narcotic is unlawfully possessed by an occupant thereof, and shall hold the vehicle as evidence until a forfeiture has been declared or a release ordered.  
(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

Notice:  
Filing 11612. Notice of seizure and intended forfeiture proceeding shall be filed with the county clerk and shall be served on all owners.

Service 11613. Notice shall be given to each owner according to one of the following methods:

(a) Upon each owner whose right, title, or interest is of record in the Department of Motor Vehicles, by mailing a copy of the notice by registered mail to the address as given upon the records of the Department of Motor Vehicles.

(b) Upon each owner whose name and address is known, to the last known address of the owner.

(c) Upon all other owners, whose addresses are unknown, but who are believed to have an interest in the vehicle, by one publication in a newspaper of general circulation in the county where the seizure was made.

Answer 11614. Within 20 days after the mailing or publication of the notice, the owner of the vehicle may file a verified answer to the fact of the use of the vehicle alleged in the notice of seizure and of the intended forfeiture proceeding.

Extension  
of time 11615. No extensions of time shall be granted for the purpose of filing the answer.



11616. If at the end of 20 days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and shall, upon motion, order the vehicle forfeited to the State. Hearing:  
When no  
answer filed

11617. If a verified answer is filed, the forfeiture proceeding shall be set for hearing on a day not less than 30 days therefrom, and the proceeding has priority over other civil cases. When an-  
swer filed

11618. Notice of the hearing shall be given in the same manner as provided for service of notice of seizure. Notice

11619. At the hearing, any owner who has a verified answer on file may show by competent evidence that the vehicle was not used to transport narcotics, or that narcotics were not unlawfully possessed by an occupant of the vehicle. Evidence

11620. The claimant of any right, title, or interest in the vehicle may prove his lien, mortgage, or conditional sales contract to be bona fide and that his right, title, or interest was created after a reasonable investigation of the moral responsibility, character, and reputation of the purchaser, and without any knowledge that the vehicle was being, or was to be, used for the purpose charged. Proof of  
investiga-  
tion, etc.

11621. No person claiming a lien pursuant to Chapter 1 of Division 8 of the Vehicle Code shall be required to prove that his right, title, or interest was created after any investigation of the moral responsibility, character, and reputation of the owner, purchaser, or person in possession of the vehicle when it was brought to the claimant. When proof  
not required

11622. In the event of such proof, the court shall order the vehicle released to the bona fide or innocent owner, lien holder, mortgagee, or vendor if the amount due him is equal to, or in excess of, the value of the vehicle as of the date of seizure, it being the intention of this section to forfeit only the right, title, or interest of the purchaser. Release

11623. If the amount due to such person is less than the value of the vehicle, the vehicle shall be sold at public auction by the Department of Finance. Auction sale

11624. The Department of Finance shall publish a notice of the sale by one publication in a newspaper published and circulated in the city, community, or locality where the sale is to take place. Notice

11625. In all cases where a vehicle seized by the State division is forfeited to the State and turned over to and sold Proceeds

by the Department of Finance, the proceeds of the sale shall be distributed as follows, in the order indicated:

(a) To the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the vehicle, if any, up to the amount of his interest in the vehicle, when the court declaring the forfeiture orders a distribution to such person.

(b) The balance, if any, to accumulate, and, from time to time, as the proceeds become sufficient, to be distributed:

1. To the Department of Finance for all expenditures made or incurred by it in connection with the sale, including expenditure for any necessary repairs, storage or transportation, of any vehicle seized under this article.

2. To the Attorney General for all expenditures made or incurred by him in connection with the forfeiture proceedings of any vehicle seized under this article, including but not limited to, expenditures for witness fees, reporters' fees, transcripts, printing, traveling and investigation.

3. To the State division for all expenditures for traveling, investigation, storage, and other expenses made or incurred by the division after the seizure, and in connection with the forfeiture of any vehicle seized under this article.

4. The remainder, if any, to the State Treasury, for credit to the General Fund.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

Purchase  
by State

11626. In any case the Department of Finance may, within 30 days after judgment, pay the balance due to the bona fide or innocent purchaser, lien holder, mortgagee, or vendor and purchase the vehicle for the State.

Release of  
vehicle

11627. If the court finds that the vehicle was not used to transport narcotics, the court shall order the vehicle released to the owner as his right, title, or interest appears of record in the Department of Motor Vehicles as of the date of the seizure.

Disposition  
of forfeited  
vehicle

11628. When a vehicle has been ordered forfeited to the State, it shall be turned over to the Department of Finance, which shall deliver to the State division such forfeited vehicles as may be needed by the division to enforce the provisions of this division.

Exemptions

11629. The provisions of this division relative to forfeiture of vehicles do not apply to a common carrier, or to an employee acting within the scope of his employment in the enforcement of this division.

## Article 2. Seizure and Disposition of Narcotics

Seizure

11650. Narcotics possessed in violation of this division, and all opium pipes, may be seized by any peace officer, and in aid of such seizure a search warrant or search warrants may be issued in the manner and form prescribed in the Penal Code.

11651. All opium pipes seized under the provisions of this division shall, upon conviction of the owner or defendant, be ordered destroyed by the judge of the court in which conviction is had.

Opium pipes:  
Order for  
destruction

11652. The order of destruction shall contain the name of the party charged with the duty of destruction, but the judge shall turn all such evidence over to the State division for destruction.

Contents  
of order

11653. All narcotics that have been seized under this division shall, by order of the court upon the conviction of the owner or defendant, be turned over immediately to the State division for destruction or disposition.

Delivery  
to State  
division

11654. Narcotics and opium pipes seized under this division, now in the possession of any city or county official, or of the State Board of Pharmacy, or that may hereafter come into their possession, in which no trial was had, shall be delivered to the State division for destruction or disposition.

Same

No narcotics or opium pipes coming into the possession of the State division as described in this section shall be destroyed within six months from seizure.

11655. The State division may dispose of narcotics, other than heroin or smoking opium, by gift to the medical superintendents of State prisons or State hospitals, for medical purposes.

Gift

11656. When narcotics or opium pipes have been seized pursuant to this division and the defendant or owner has escaped from custody and is a fugitive from justice, they shall upon demand of the State division, be turned over to it for safekeeping until such time as the owner or defendant is apprehended and prosecuted for violation of this division.

Safekeeping  
when owner  
fugitive

11657. When narcotics or opium pipes have been seized pursuant to this division and the case has been disposed of by way of dismissal or otherwise than by way of conviction, they shall by order of the court, be turned over immediately to the State division, unless the court finds that the narcotics were lawfully possessed by the defendant.

Disposal  
when case  
dismissed

### Article 3. Prosecutions and Disposition of Fines

11680. The district attorney of the county in which any violation of this division is committed shall conduct all actions and prosecutions for the violation.

Prosecution:  
District  
attorney

However, subject to the approval of the Attorney General, the chief may employ special counsel for that purpose, who may take complete charge of the conduct of such actions or prosecutions. The chief may fix the compensation to be paid

Special  
counsel



for the service and may incur such other expense in connection with the conduct of the actions or prosecutions as he may deem necessary. No attorney employed as special counsel shall receive as compensation more than three thousand five hundred dollars (\$3,500) in any one year.

**Fines:** 11681. All money, forfeited bail, or fines received under  
**Disposition** this division shall be sent without delay by the judge or magistrate receiving them, 75 per cent to the State Treasurer to be deposited in the State Treasury, and 25 per cent to the city treasurer of the city, if the offense occurred in a city, otherwise to the treasurer of the county in which the prosecution is conducted.

**Records** 11682. Judges and magistrates who collect fines or forfeitures under this division shall keep a record thereof, and, upon the imposition of any such fine or forfeiture, shall immediately transmit a record of it to the State Controller.

**Same** 11683. When an imprisonment has been imposed for a violation of this division, and before the termination of the sentence, the defendant is released by the vacation of the sentence of imprisonment and the imposition of a fine or forfeiture instead, the fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

**Same** 11684. Whenever a fine has been imposed for violation of this division, and before the full payment of the fine a sentence of imprisonment is imposed instead, the imprisonment shall be recorded and accounted for to the State Controller.

**Annual report** 11685. Each judge or magistrate shall transmit to the State Treasurer an annual report of the fines and forfeitures collected by him during the calendar year. This report shall be rendered before the fifteenth day of January of the following year on blanks furnished by the State Controller.

**Suit for enforcement** 11686. The State Controller shall check the reports and records of each judge and magistrate with the transmittals of fines and forfeitures and whenever it appears that fines or forfeitures have not been transmitted the State Controller shall bring suit to enforce their collection or transmittal, or both.

**Bond liability** 11687. The official bond of any judge or magistrate is liable for his failure to transmit the fines or forfeitures imposed by him under this division.

**Public inspection** 11688. The records kept by a judge or magistrate under this division are open to public inspection, and may be checked by the State Controller, the Attorney General, the district attorney of the particular county, or the State division.

## Article 4. Penalties

11710. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

11711. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

11712. Any person convicted under this division for having in possession any narcotic, or of violating the provisions of Sections 11530 or 11557 shall be punished by imprisonment in the county jail for not less than 90 days nor more than one year, or in the State prison for not more than six years. Previous convictions

If such a person has been previously convicted of a felony under the laws of the United States or of this or any other State, and if the previous conviction of a felony is charged in the indictment or information and is found to be true by the jury, upon a jury trial, or is found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the State prison for not more than 10 years.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 744.)

11713. Any person convicted under this division for transporting, selling, furnishing, or giving away, or offering to transport, sell, furnish, or give away, any narcotic shall be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the State prison for not more than six years.

If such a person has been previously convicted of a felony under the laws of the United States or of this or any other State, and if the previous conviction of a felony is charged in the indictment or information and is found to be true by the jury, upon a jury trial, or is found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the State prison for not more than 10 years.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11714. Every person who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, preparing for sale, peddling, or using any narcotic is guilty of a felony punishable by imprisonment in the State prison for not less than one year nor more than six years, and for each subsequent offense shall be imprisoned in the State prison for not less than six years. Hiring minor

11715. Every person who forges or alters a prescription, or who issues a prescription bearing a forged or fictitious signature for any narcotic, or who obtains any narcotic by any forged, fictitious, or altered prescription, or who has in possession any narcotic secured by such forged, fictitious, or altered prescription, shall for the first offense be punished by Forgeries

imprisonment in the county jail for not less than six months nor more than one year, or in the State prison for not more than six years, and for each subsequent offense shall be imprisoned in the State prison for not more than 10 years.  
(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

**Aliens** 11715.5. Any person not a citizen of the United States of America who is convicted of violating Sections 11712, 11713, 11714, 11715, or of committing any offense referred to in those sections shall be reported to the appropriate agency of the United States having charge of deportation matters.

The certificate shall be issued by the court in which the conviction takes place, shall recite the facts of the case, and recommend that the defendant be deported.

(Added by Stats. 1939, Ch. 1097.)

**Probation or suspension of sentence** 11715.6. In no case shall any person convicted of violating Sections 11712, 11713, 11714, 11715, or of committing any offense referred to in those sections, be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court.

(Added by Stats. 1939, Ch. 1097.)

**General penalty** 11716. Every person who violates or fails to comply with any provision of this division, except one for which a penalty is otherwise in this division specifically provided, is guilty of a misdemeanor punishable by a fine in a sum not less than thirty dollars (\$30) nor more than five hundred dollars (\$500), or by imprisonment for not less than 15 nor more than 180 days, or by both.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

**Revocation of registration** 11717. The Board of Pharmacy may revoke the registration of any registered pharmacist or registered assistant pharmacist upon conviction of violating any provision of this division, and in such case the registration shall not be restored before the period of one year from the date of the revocation.

#### Article 4.5. Addicts

(Article 4.5 added by Stats. 1939, Ch. 1079.)

**Addict** 11720. A narcotic addict, within the meaning of this article, is any person who takes or otherwise uses any narcotics, except that when such user of narcotics is suffering from an incurable disease or an accident or injury or from the infirmities of age and such narcotics are furnished, prescribed or administered to him in good faith and in the course of his professional practice by a physician and surgeon duly licensed in this State, in the course of treatment for such disease, ailment, injury, or infirmities, and are not so furnished or prescribed in order to satisfy the narcotic addiction



of a user of narcotics, such person shall not be held to be an addict within the meaning of this article.

(Added by Stats. 1939, Ch. 1079; amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11721. A narcotic addict is punishable by imprisonment in the county jail for not less than three nor more than six months. Penalty

(Added by Stats. 1939, Ch. 1079.)

11722. In no case shall any narcotic addict punishable under this article be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court. Probation

(Added by Stats. 1939, Ch. 1079.)

### Article 5. Abatement

11780. Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, or giving away any opium, morphine, cocaine, heroin, cannabis sativa, or loco weed, and every building or place wherein or upon which such acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance. Nuisance

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11781. Whenever there is reason to believe that such a nuisance is kept, maintained or exists in any county, the district attorney of the county, in the name of the people, shall, or any citizen of the State resident in the county, in his own name, may, maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance. Action to  
abate

11782. Unless filed by the district attorney, the complaint in the action shall be verified. Complaint

11783. If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of the nuisance. Temporary  
injunction

11784. Except when it is granted on application of the people of the State, on granting the temporary writ the court or judge shall require a written undertaking on the part of the applicant, with sufficient sureties, to the effect that he will pay to the defendant enjoined such damages, not exceeding an amount to be specified, as the defendant sustains by reason of the injunction if the court finally decides that the applicant was not entitled to it. Undertaking

- Priority of action** 11785. The action shall have precedence over all other actions, except criminal proceedings, election contests, hearings on injunctions, and actions to forfeit vehicles under this division.
- Dismissal** 11786. If the complaint is filed by a citizen it shall not be dismissed by him or for want of prosecution except upon a sworn statement made by him and his attorney, setting forth the reasons why the action should be dismissed, and by dismissal ordered by the court.
- Substitution of plaintiff** 11787. In case of failure to prosecute the action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting thereto for the plaintiff.
- Taxing of costs** 11788. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for the action, the costs shall be taxed against him.
- Order, lien, etc.** 11789. If the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the judgment in the case, and plaintiff's costs in the action are a lien upon the building or place. The lien is enforceable and collectible by execution issued by order of the court.
- Violation of injunction** 11790. A violation or disobedience of the injunction or order for abatement is punishable as a contempt of court by a fine of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than one nor more than six months, or by both.
- Removal and sale of property** 11791. If the existence of the nuisance is established in the action, an order of abatement shall be entered as a part of the judgment, which order shall direct the removal from the building or place of all fixtures, musical instruments, and other movable property used in conducting, maintaining, aiding, or abetting the nuisance and shall direct their sale in the manner provided for the sale of chattels under execution.
- Closing building** The order shall provide for the effectual closing of the building or place against its use for any purpose, and for keeping it closed for a period of one year, unless sooner released, as provided in this division.
- Court custody** 11792. While the order of abatement remains in effect, the building or place is in the custody of the court.
- Fees** 11793. For removing and selling the movable property, the officer is entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

11794. The proceeds of the sale of the movable property shall be applied as follows: Disposition of proceeds

First—To the fees and costs of the removal and sale.

Second—To the allowances and costs of closing and keeping closed the building or place.

Third—To the payment of the plaintiff's costs in the action.

Fourth—The balance, if any, to the owner of the property.

11795. If the proceeds of the sale of the movable property do not fully discharge all of the costs, fees, and allowances, the building and place shall then also be sold under execution issued upon the order of the court or judge and the proceeds of the sale shall be applied in like manner. Sale or building

11796. If the owner of the building or place has not been guilty of any contempt of court in the proceedings, and appears and pays all costs, fees, and allowances that are a lien on the building or place and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court or judge, conditioned that he will immediately abate any such nuisance that may exist at the building or place and prevent it from being established or kept thereat within a period of one year thereafter, the court, or judge may, if satisfied of his good faith, order the building or place to be delivered to the owner, and the order of abatement canceled so far as it may relate to the property. Abatement by owner

The release of property under the provisions of this division does not release it from any judgment, lien, penalty, or liability to which it may be subject.

11797. Whenever the owner of a building or place upon which the act or acts constituting the contempt have been committed, or the owner of any interest therein, has been guilty of a contempt of court, and fined in any proceedings under this division, the fine is a lien upon the building or place to the extent of his interest in it. Lien

The lien is enforceable and collectible by execution issued by order of the court.

## DIVISION 11. EXPLOSIVES

### PART 1. HIGH EXPLOSIVES

#### CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

12000. Unless the context otherwise requires, "explosive," "Explosive" as used in this division, includes any of the following:

(a) Gunpowder, blasting powder, dynamite, guncotton, nitroglycerine, a nitroglycerine compound, fulminate, or an explosive substance having an explosive power equal to or greater than black blasting powder.



(b) A substance to be exploded or ignited to produce a force for propelling missiles or rending other substances.

"Explosive" does not include any substance specified in this section in the form of fixed ammunition for small arms.

"Explosive manufacturing plant"

12001. "Explosive manufacturing plant," as used in this division, includes all land used in connection with the manufacture and storage of explosives at any such plant.

Exception

12002. This division does not apply to any shipment of explosives from a point within and consigned to a point without this State over a line of a common carrier.

Same

12003. This division does not affect the operation or provisions of any city or city and county ordinance respecting the delivery, storage, and handling of explosives.

Railroad Commission regulations

12004. The Railroad Commission may make, publish, and promulgate regulations which are not in conflict with this division, and which, in the judgment of the commission, may promote the safe packing, loading, storage, and transportation of explosives.

Action for forfeiture

12005. Any peace officer, or member of the police force of any city, city and county, or town where an act occurs giving rise to a forfeiture specified in this division may, for his own benefit, sue for the forfeiture.

## CHAPTER 2. SALES RECORDS

Exceptions

12100. This chapter does not apply to any of the following persons:

(a) Any person who delivers explosives to another person or any carrier for transportation between places in this State.

(b) Any person who sells or delivers explosives in interstate commerce transactions.

Journal or record book

12101. Every person who sells, gives away, delivers, or otherwise disposes of explosives shall keep an accurate journal or record book in which shall be noted at the time it is made, each sale, delivery, gift, or other disposition of an explosive made by him, whether in the course of business or otherwise.

Notations

12102. Each notation in the journal or record book shall show, in a legible handwriting:

(a) The name and quantity of the explosive sold, delivered, given away, or otherwise disposed of.

(b) The name, residence, and business of the purchaser or transferee.

(c) The name of the individual to whom the explosive is delivered, his address, and a description of him sufficient for identification purposes.

12103. The journal or record book shall be kept by the person required to keep it in his principal office or place of business. It is at all times subject to the inspection and examination of the police authorities of the State, or of the county or city in which the principal office or place of business is situated, on proper demand. Inspection,  
etc.

12104. It is unlawful for any person to sell, give away, or deliver any explosives without first taking from the person to whom the explosives are sold, given away, or delivered a statement in writing showing: Purchaser  
statement:  
Contents

(a) The name and address of such person.

(b) The place where, and the purpose for which, the explosives are intended to be used.

12105. The statement shall be signed by the person to whom the explosives are sold, given away, or delivered, or by his agent. It shall also be witnessed by two persons known to the person selling, giving away, or delivering the explosives to be residents of the county where, as shown by the statement, the explosives are intended to be used. The witnesses shall certify that the person to whom the explosives are to be sold, given away, or delivered is personally known to them, and that to the best of their knowledge and belief, the explosives are required by such person for the purposes set forth in the statement. Execution  
  
Witnesses

12106. Every statement received by a person who sells, gives away, or delivers explosives shall at all times be kept on file in his principal office or place of business. It is subject to the inspection of the police authorities of the State, or of the county or city in which the principal office or place of business is situated, on proper demand. Filing  
  
Inspection

12107. Every person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000), or by imprisonment for not less than six months, or by both. Criminal  
penalty

12108. In addition to the criminal punishment, a person who violates any provision of this chapter shall forfeit the sum of two hundred fifty dollars (\$250) for each violation. The forfeiture may be sued for by any person in a court of competent jurisdiction. Civil penalty

12109. A person who has instituted an action for a forfeiture pursuant to this chapter shall not dismiss it without the consent of the court in which it is pending. A judgment for such person shall not be settled, satisfied, or discharged except by an order of, and after deposit of the full amount of the judgment in, the court. All money deposited in the court shall be paid to the person who instituted the action. Dismissal,  
etc., of  
forfeiture  
action

## CHAPTER 3. STORAGE

## Article 1. General Provisions

**Containers** 12150. Except only at an explosive manufacturing plant, no person shall possess, keep, or store any explosive which is not completely inclosed and incased in a tight metal, wooden, or fiber container.

No person having any explosives in his possession or control shall under any circumstances permit or allow any grains or particles of explosives to be or remain on the outside of, or about, the containers in which the explosives are kept.

**Magazines** 12151. Except while being transported or while in the custody of a common carrier pending delivery to a consignee, every explosive shall be kept or stored in one of the two classes of magazines specified in this chapter.

**Exception** 12152. This chapter does not prohibit the keeping or storing of explosives in any explosive manufacturing plant which was actually used in manufacturing explosives prior to the fifteenth day of April, 1917.

**Same** 12153. This chapter does not prohibit the keeping or storing of explosives in any tunnel in which:

(a) No person is employed.

(b) The doors are fireproof.

(c) The doors at all times are kept closed and locked, except when necessarily opened by persons lawfully entitled to enter the tunnel for the purpose of storing or removing explosives.

(d) On each door are printed legibly the words, "magazine," "explosives," "dangerous."

## Article 2. Magazines of the First Class

**Scope of article** 12170. The provisions of this article relate to magazines of the first class.

**"Building"** 12171. "Building," as used in this article, means any building the whole or a part of which is regularly occupied as a habitation by human beings, and any store, church, schoolhouse, railway station, or other public place of assembly.

**"Highway"** 12172. "Highway," as used in this article, means any public street or public road, but does not include any road constructed and maintained by a private person.

**"Railroad"** 12173. "Railroad," as used in this article, means any steam, electric, or other railroad that carries passengers or articles of commerce for hire.

**"Efficient artificial barricade"** 12174. "Efficient artificial barricade," as used in this article, means an artificial mound or properly revetted wall of earth not less than three feet in thickness.



12175. The provisions of this article regarding the amount of explosives that may be kept or stored in a magazine, or prescribing the distance at which a magazine shall be situated from a building, railroad, or highway, do not apply to persons engaged in mining or quarrying operations. Mining or quarrying operations

12176. A magazine of the first class is a structure in which more than 100 pounds of explosives are stored or kept. Nature

12177. The magazine shall be constructed wholly of fireproof material. It shall be fireproof and, unless it is used only for the storage of gunpowder or black blasting powder, bullet proof. Construction:  
Material

12178. The magazine shall have no openings except for ventilation and entrance. Openings

12179. The doors of the magazine shall be fireproof and bullet proof. They shall at all times be kept closed and locked, except when necessarily opened by persons lawfully entitled to enter the magazine for the purpose of storing or removing explosives. Doors

12180. The magazine shall have sufficient ventilation openings, which shall be so screened as to prevent the entrance of sparks or fire through them. Ventilation

12181. No match, fire, or lighting device of any kind, except an electric light, shall at any time be permitted in any magazine. Matches, fires, etc.

12182. A sign on which are printed legibly the words, "magazine," "explosives," "dangerous," in letters not less than six inches high, shall be kept posted in a conspicuous place on each side of the magazine. Signs

12183. No package of explosives shall at any time be opened in any magazine. Opening packages

12184. Blasting caps, other detonating or fulminating caps, detonators, or electric fuzes shall not be kept or stored in any magazine in which explosives are kept or stored, but may be kept or stored in a magazine meeting the construction requirements of this article and located at least 100 feet from any magazine in which explosives are kept or stored. Blasting caps, etc.

12185. A magazine in which explosives are kept or stored shall be detached and located at least 100 feet from any other structure. Location

12186. The quantity of blasting caps or explosives that may be kept or stored in any magazine depends upon the distance that the magazine is situated from, and upon the protection afforded by natural ground or efficient artificial barricades to, the nearest building, highway, or railroad. Storage quantity

Distance  
from nearest  
building,  
railroad or  
highway

12187. In the following table is set forth the minimum distance that a magazine in which a specified quantity of blasting caps or explosives is kept or stored shall be situated from the nearest building, railroad, or highway:

Table

QUANTITY AND DISTANCE TABLE

Column 1 Quantity kept or stored		Column 2	Column 3	Column 4
Blasting caps	Explosives	Distance from nearest building in feet	Distance from nearest railroad in feet	Distance from nearest highway in feet
Number	Pounds			
1,001— 5,000	-----	30	20	10
5,001— 10,000	-----	60	40	20
10,001— 20,000	-----	120	70	35
20,001— 25,000	Not more than 50	145	90	45
25,001— 50,000	51— 100	240	140	70
50,001— 100,000	101— 200	360	220	110
100,001— 150,000	201— 300	520	310	150
150,001— 200,000	301— 400	640	380	190
200,001— 250,000	401— 500	720	430	220
250,001— 300,000	501— 600	800	480	240
300,001— 350,000	601— 700	860	520	260
350,001— 400,000	701— 800	920	550	280
400,001— 450,000	801— 900	980	590	300
450,001— 500,000	901— 1,000	1,020	610	310
500,001— 750,000	1,001— 1,500	1,060	640	320
750,001— 1,000,000	1,501— 2,000	1,200	720	360
1,000,001— 1,500,000	2,001— 3,000	1,300	780	390
1,500,001— 2,000,000	3,001— 4,000	1,420	850	420
2,000,001— 2,500,000	4,001— 5,000	1,500	900	450
	5,001— 6,000	1,560	940	470
	6,001— 7,000	1,610	970	490
	7,001— 8,000	1,660	1,000	500
	8,001— 9,000	1,700	1,020	510
	9,001— 10,000	1,740	1,040	520
	10,001— 20,000	1,780	1,070	530
	20,001— 30,000	2,110	1,270	630
	30,001— 40,000	2,410	1,450	720
	40,001— 50,000	2,680	1,610	800
	50,001— 60,000	2,920	1,750	880
	60,001— 70,000	3,130	1,880	940
	70,001— 80,000	3,310	1,990	1,000
	80,001— 90,000	3,460	2,080	1,040
	90,001— 100,000	3,580	2,150	1,080
	100,001— 200,000	3,800	2,280	1,140
	200,001— 300,000	4,310	2,590	1,300

12188. Any applicable minimum distance may be one-half of that set forth in the quantity and distance table if the nearest building, railroad, or highway is effectually screened from the magazine either by a natural ground or an efficient artificial barricade of such height that: Reduced distance

(a) A straight line drawn from the top of any side wall of the magazine to any part of the building will pass through the barricade.

(b) A straight line drawn from the top of any side wall of the magazine to any point 12 feet above the center of the railroad or highway will pass through the barricade.

12189. The quantity and distance table is not applicable to any magazine if the nearest building, railroad, or highway is effectually screened from the magazine by a natural barrier, which: Nonapplication of table

(a) At any one point is 40 feet or more in height above a straight line drawn from the top of any side wall of the magazine to any part of the building, or to any point 12 feet above the center of the railroad or highway.

(b) Has a natural thickness of not less than 200 feet at the point where it is intersected by the straight line.

12190. If at any time the distance from a magazine to the nearest building, highway, or railroad is decreased through the construction of a new building, highway, or railroad, the quantity of explosives kept or stored in the magazine shall be reduced to correspond with that specified for the new distance by the quantity and distance table. The distance need not be reduced, however, in the event that a new building is constructed in bad faith and with the intent to annoy, harass, oppress, or hinder the owner of the magazine. When distance reduced on construction of new building, etc.

### Article 3. Magazines of the Second Class

12210. A magazine of the second class is a stout box in which not more than 100 pounds of explosives are stored or kept. Nature

12211. A sign on which are printed legibly the words, "magazine," "explosives," "dangerous," shall be kept posted in a conspicuous place on the magazine. Sign

12212. Except when necessarily opened for use by authorized persons, the magazine shall at all times be kept securely locked. Locking

### Article 4. Violations

12220. Every person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or by imprisonment for not more than six months, or by both. Penalty



## CHAPTER 4. TRANSPORTATION

On common carriers 12300. It is unlawful to transport any explosives between places in this State on any vessel, car, or other vehicle carrying passengers for hire and operated by a common carrier, unless the explosives are:

(a) Small arms ammunition.

(b) Fuses, torpedoes, rockets, or other signal devices essential for the promotion of safety in operation.

(c) Properly packed and marked samples for laboratory examination, each not exceeding one-half pound in net weight, when not more than 20 are carried in a single vessel, car, or vehicle, and when they are not carried in that part of the vessel, car, or vehicle which is intended for the carriage of passengers for hire.

(d) Munitions of war in the possession of military or naval forces who are being carried on the vessel, car, or vehicle.

This section does not prohibit the transportation of explosives on a freight train that carries passengers for hire in a car or caboose attached to its rear.

Same 12301. It is unlawful to transport liquid nitroglycerine, dry fulminate in bulk, or other like explosive between places in this State on any vessel, car, or vehicle operated by a common carrier in the carriage of passengers or articles of commerce.

Felonious acts 12302. Every person who wilfully does any of the following is guilty of a felony punishable by imprisonment in a State penitentiary for not more than two years:

(a) Carries any explosive on his person on any vessel, car, or other vehicle that transports passengers for hire.

(b) Places or carries any explosive, while on board any such vessel, car, or vehicle, in any hand baggage, roll, or container.

(c) Places any explosive in any baggage which is later checked with any common carrier.

Package marking 12303. The contents of a package containing explosives shall be plainly marked on the outside of the package at the time the package is delivered to a common carrier for transportation.

False marking It is unlawful for any person to deliver, or cause to be delivered, to any common carrier for transportation any explosive under any false or deceptive marking, description, invoice, shipping order, or other declaration, unless he informs the carrier or the carrier's agent, at or before the time of delivery, of the true character of the explosive.

Transportation within city, etc. 12304. Every person who takes, carries, or transports, or causes to be taken, carried, or transported, any dynamite, vigorite, nitroglycerine, hercules or giant powder, or other high explosive into, through, or across any city or harbor in

violation of the ordinances of the city, or of the laws or regulations governing the harbor, as the case may be, shall, in addition to any penalties imposed by such ordinances, laws, or regulations, forfeit the explosive, together with any case in which it may be contained, to the State. Forfeiture

12305. Any citizen of the State may sue for the forfeiture for himself and the State by an action in any court of competent jurisdiction, but without any cost or expense to the State. If the forfeiture is directed by the judgment of the court, the property subject to the forfeiture shall be sold. The citizen instituting the action may retain one-half of the proceeds for his own benefit, and shall pay the other half into the State Treasury. Action for forfeiture

12306. Every person who wilfully violates, or causes the violation of, any provision of this chapter, except a provision in Sections 12302, 12304 and 12305, is guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000), or by imprisonment for not more than 18 months, or by both. Penalty

## CHAPTER 5. ILLEGAL USE OR POSSESSION

12350. "Explosive," as used in this chapter, means nitro-glycerine, dynamite, vigorite, hercules powder, giant powder, or any other high explosive. "Explosive"

12351. "Lawful possession of an explosive," as used in this chapter, means the possession of an explosive in any of the following: "Lawful possession of explosive"

(a) In the course of the business of manufacturing, selling, or transporting explosives.

(b) In the course of legitimate blasting operations.

(c) In the arts.

12352. Every person who does either of the following is guilty of a felony: Felonious acts:

(a) Recklessly or maliciously has in his possession an explosive on a public street or highway; in or near any theater, hall, school, college, church, hotel, other public building, or private habitation; in, on, or near any railway passenger train or car, cable road or cable car, steam or other vessel engaged in carrying passengers, ferryboat, or public place ordinarily passed by human beings. Reckless or malicious possession

(b) Recklessly or maliciously uses an explosive to intimidate, terrify, or endanger any human being. Reckless or malicious use

Any person not in the lawful possession of an explosive who is found with an explosive on his person or in his possession on, in, or near any of the buildings, means of transportation, or places mentioned in this section, is presumably guilty of reckless and malicious possession of the explosive. Presumption

Unlawful  
possession

12353. Every person not in the lawful possession of an explosive who knowingly has any explosive in his possession is guilty of a felony punishable by imprisonment in a State prison for not more than five years, or by a fine of not more than five thousand dollars (\$5,000), or by both.

Use at place  
of assem-  
blage

12354. Every person is guilty of a felony punishable by imprisonment in the State prison for not less than one year who, with the intent to injure or destroy it, or with the intent to injure, intimidate, or terrify any human being, maliciously uses, places, deposits, explodes, or attempts to explode any explosive at, in, under, or near, or takes any explosive into or near, any (a) building, vessel, boat, railroad, tramroad, cable road, train, car, depot, stable, car-house, theater, school-house, church, or dwelling; (b) other place usually inhabited, frequented, or passed by human beings, or where human beings usually assemble; or who by any of such acts injures or endangers any human being.

## CHAPTER 6. MISCELLANEOUS

Unlawful  
entry of  
magazine

12400. With the exception of a peace officer, the owner, a person authorized to enter by the owner, or the owner's agent, every person who enters any explosive manufacturing plant, magazine, or car containing explosives is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than three months, or by both.

Discharge  
of firearm

12401. Every person who wilfully discharges any firearm within 500 feet of any magazine or any explosive manufacturing plant is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one year, or by both.

General  
penalty

12402. If no other criminal punishment is prescribed by this division, any person who makes or keeps gunpowder, nitroglycerine, or any other highly explosive substance in any city, or who carries any such substance through the streets of any city, in any quantity or manner prohibited either by this division or by any ordinance of the city in which it is made, kept, or carried, is guilty of a misdemeanor.

## PART 2. FIREWORKS

(Part 2 added by Stats. 1939, Ch. 534.)

"Dangerous  
fireworks"

12500. "Dangerous fireworks," as used in this part, includes any of the following:

Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, chlorate of potash and sulphur or chlorate of potash and sugar;



Firecrackers or salutes, exceeding two inches in length and three-eighths of an inch in diameter and containing more than 12 grains of explosive compound and having an exterior casing harder than an ordinary paper tube;

Blank cartridges;

Sky rockets, including all devices which rise in the air during discharge;

Roman candles, including all devices discharging balls of fire into the air;

Chasers, including all devices which dart or travel about the surface of the ground during discharge;

Snakes, boa constrictors and snake nests, containing bichloride of mercury;

All articles for pyrotechnic display, which contain gunpowder;

Articles commonly known as son-of-a-gun, devil-on-the-rock, crackit sticks and automatic torpedoes which contain arsenic;

Explosives known as devil-on-the-walk, or any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;

Toy torpedoes of all kinds except those specifically designed for use only with toy pistol paper caps containing not more than twenty-five hundredths grain of explosive compound to each paper cap.

(Added by Stats. 1939, Ch. 534.)

12501. "Safe and sane fireworks," as used in this part, "Safe and sane fireworks" includes any fireworks not designated as "dangerous fireworks."

(Added by Stats. 1939, Ch. 534.)

12502. "Class 1 inflammable liquid," as used in this part, "Class 1 inflammable liquid" includes any liquid whose flash point is one hundred (100) degrees Fahrenheit, or less.

(Added by Stats. 1939, Ch. 534.)

12503. No person, without securing a permit shall do any of the following: License required

(a) Manufacture, possess or sell any dangerous fireworks;

(b) Sell any safe and sane fireworks as a retailer;

(c) Discharge dangerous fireworks any place.

(Added by Stats. 1939, Ch. 534.)

12504. Any person desiring to do any act regulated by this part shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other person as may be designated by the governing body of the city or county. Application

It shall be the duty of the chief of the fire department or the chief fire prevention officer to whom the application for a permit was made to make an investigation and submit a report of

his findings and his recommendations for or against the issuance of the permit, together with his reasons therefor, to the governing body of the city or county. The governing body shall have power in its discretion to grant or deny the application.

This act does not prohibit any manufacturer, wholesaler, dealer or jobber having a permit secured under the provisions of this part, from manufacturing or selling any kind of fireworks for direct shipment out of this State or from manufacturing or selling at wholesale any dangerous fireworks to permittees hereunder; or the use of torpedoes, flares, or fuses by railroad or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for ceremonial purposes, athletic or sport events, or military ceremonies or demonstrations; or the sale of dangerous fireworks to permittees having a permit, as hereinafter provided for public displays; or the use and display of fireworks of whatever nature by any individual, firm or corporation engaged in the production of motion pictures, theatricals or operas, when such use and display is a necessary part of such production.

(Added by Stats. 1939, Ch. 534.)

Does not  
restrict  
other laws

12505. Nothing in this part, or the permits issued under it, shall authorize the manufacture, sale, use or discharge of fireworks in any city or county in which such manufacture, sale, use or discharge is otherwise prohibited by law or ordinance.

(Added by Stats. 1939, Ch. 534.)

Forest  
lands, etc.

12506. Nothing in this part shall be construed as permitting any person to set off fireworks of any kind in forest, fallows, grass or brush covered land, either on his own land or the property of another, between April 15th and December 1st of any year, unless it is done under a written permit from the State Forester or his duly authorized agent, and in strict accordance with the terms of the permit.

(Added by Stats. 1939, Ch. 534.)

Application

12507. Any person, firm, copartnership, or corporation planning to make a public display of fireworks shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county in which the display is to be held at least 10 days in advance of the date of the display.

Investigation

It shall be the duty of the chief of the fire department or the chief fire prevention officer to whom the application for a permit is made to make an investigation and submit a report of his findings and his recommendations for or against the issuance of the permit, together with his reasons therefor, to the governing body of the city or county. The governing body shall have power in its discretion to grant or deny the application.

(Added by Stats. 1939, Ch. 534.)

12508. The applicant for such display permit shall at the time of application, furnish proof that he carries compensation insurance for his employees as provided by the laws of this State, and that he has filed with the clerk of the legislative body of the city or county in which the display is to be held a bond with at least two good and sufficient sureties to be approved by such legislative body, in the sum of not less than one thousand dollars (\$1,000), conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks, or any negligence on the part of the applicant, or his or its agents, servants, employees, or subcontractors in the presentation thereof. If the permit is granted, the sale, possession, and use of fireworks for the public display is lawful for that purpose only. No permit granted is transferable.

Compensation  
insurance

Bond

(Added by Stats. 1939, Ch. 534.)

12509. The State Fire Marshal shall adopt reasonable rules and regulations for the granting of permits for, and the presentation of, public displays of fireworks. Every such display shall be handled or supervised by a competent and experienced pyrotechnic operator approved by the chief of the fire department or the chief fire prevention officer of the city or county in which the display is to be held. All public displays of fireworks shall be of such a character and so located, discharged, or fired as not to be hazardous or dangerous to persons or property.

Rules and  
regulations

(Added by Stats. 1939, Ch. 534.)

12510. No person shall transport, convey, or deliver any dangerous fireworks except for permittees making delivery to any other permittees, or to locations of public displays of fireworks authorized hereunder or to distributors outside of this State.

Transportation

(Added by Stats. 1939, Ch. 534.)

12511. No person shall sell or discharge any fireworks in any public garage or public oil station or on any premises where gasoline or other class 1 inflammable liquids are stored or dispensed or where more than four motor vehicles are stored.

Garages, etc.

(Added by Stats. 1939, Ch. 534.)

12512. No person shall allow any rubbish to accumulate in any premises where any fireworks are stored or sold.

Rubbish in  
premises

(Added by Stats. 1939, Ch. 534.)

12513. Violation of this part is a misdemeanor.

Penalty

(Added by Stats. 1939, Ch. 534.)

(Part 2 added by Stats. 1939, Ch. 534.)



## DIVISION 12. FIRES AND FIRE PROTECTION

## PART 1. GENERAL PROVISIONS

## CHAPTER 1. LIABILITY IN RELATION TO FIRES

Control of fire 13000. Every person is guilty of a misdemeanor who allows a fire kindled or attended by him to escape from his control or to spread to the lands of any person other than the builder of the fire without using every reasonable and proper precaution to prevent the fire from escaping.

Lighted cigarettes, etc. 13001. Every person is guilty of a misdemeanor who throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where it may directly or indirectly start a fire.

Throwing from moving vehicle 13002. Every person is guilty of a misdemeanor who throws from a moving vehicle any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire.

Use of locomotive, etc., without spark device 13003. Every person is guilty of a misdemeanor who uses any logging locomotive, donkey or threshing engine, or any other engine or boiler, in or near any forest, brush, grass, grain, or stubble land, unless the engine or boiler is provided with adequate devices to prevent the escape of fire or sparks and unless he uses every reasonable precaution to prevent the causing of fire thereby.

Use of harvester without fire extinguishers 13004. Every person is guilty of a misdemeanor who harvests grain or causes it to be harvested by means of a combined harvester, header, or stationary threshing machine, or who bales hay by means of a hay press, unless he keeps at all times in convenient places upon each machine or press, two suitable chemical fire extinguishers, approved by the underwriters' laboratories, each of a capacity of not less than two and one-half gallons and fully equipped and ready for immediate use.

Operation of tractors, etc., without spark devices 13005. Every person is guilty of a misdemeanor who operates or causes to be operated any gas tractor, oil-burning engine, gas-propelled harvesting machine, or auto truck in harvesting or moving grain or hay, or who moves any tractor, engine, machine or auto truck in or near any grain or grass lands, unless there is attached to the exhaust an effective device for arresting burning carbon and sparks.

Preventing extinguishment of fire, etc. 13006. Every person is guilty of a misdemeanor who, at the burning of a building, does any of the following:  
(a) Disobeys the lawful orders of any public officer or fireman.

(b) Offers any resistance to or interference with the lawful efforts of any fireman or company of firemen to extinguish the fire.

(c) Engages in any disorderly conduct calculated to prevent the fire from being extinguished.

(d) Forbids, prevents, or dissuades others from assisting to extinguish the fire.

## CHAPTER 2. FIRE EQUIPMENT

### Article 1. Standard Equipment

13025. All equipment for fire protective purposes, purchased by any authorities having charge of public property, shall be equipped with the standard threads for fire hose couplings and hydrant fittings designated as the National standard as adopted by the National Board of Fire Underwriters, which standard is designated as the standard for such equipment in this State. Standard threads for fire equipment

13026. The State Fire Marshal is authorized to make such changes as may be necessary to standardize all existing fire protective equipment throughout this State. Authority of State Fire Marshal

(Amended by Stats. 1943, Ch. 782.)

13027. The State Fire Marshal shall notify industrial establishments and property owners having equipment for fire protective purposes of the changes necessary to bring their equipment into conformity with, and shall render them such assistance as may be available in converting their equipment to, standard requirements. Notice and assistance to property owners

13028. Any person who sells or offers for sale any fire hose, hydrant, fire engine or other equipment with threaded parts, for fire protective purposes, unless it is fitted and equipped with the standard thread for fire hose couplings and hydrant fittings is guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment in the county jail for not less than five or more than 30 days, or by both. Unlawful sale  
Penalty

### Article 2. Use of Fire Equipment

13050. The apparatus, equipment and fire fighting force of any city, or city and county, or of any county fire protection district may be used for the purpose of extinguishing any fire which occurs: Use of city fire equipment outside city

(a) In any city, or city and county, or in any county fire protection district, which is of such proportions that it can not be adequately handled by the fire department of the city, or city and county, or the county fire protection district.

(b) Outside the limits of any city, or city and county, or any county fire protection district.

**Charge** 13051. The reasonable value of the use of, and repairs and depreciation on, apparatus and equipment, and other expenses reasonably incurred in furnishing fire fighting services, constitutes a charge against the city, city and county, or the county fire protection district in which the fire occurs, or if the fire occurs outside the boundaries of any city, city and county, or any county fire protection district, a charge against the county in which the fire occurs.

**Payment** 13052. The entity rendering the service shall present a claim to the entity liable therefor, in accordance with predetermined schedules of payments agreed upon by the respective entities. If the claim is approved by the head of the fire department, if any, in the entity to which presented, and by its governing body, it shall be paid in the same manner as other charges and if not paid an action may be brought for its collection.

**Use of county fire equipment outside county** 13053. Whenever a fire occurs in any county or within the boundaries of any National forest which is of such proportions that it can not be adequately handled by the forestry department or fire warden of the county or the facilities of the Division of Forestry of the State or of the United States Forest Service, the personnel, equipment, and fire fighting facilities of any county may be authorized by the State forest ranger within the county or the county forester or fire warden of the county to assist in its extinguishment and control.

**Payment** 13054. Where the personnel, equipment, and facilities of any county are utilized in the extinguishment or control of any fire outside its boundaries, the county furnishing its personnel, equipment, and facilities shall be reimbursed by the county in which the fire occurs in an amount in accordance with a predetermined schedule of repayments agreed upon by the boards of supervisors of the counties, or between the board of supervisors of the county and the Division of Forestry of the State or the United States Forest Service, as the case may be.

## PART 2. FIRE PROTECTION

### CHAPTER 1. STATE FIRE MARSHAL

**State Fire Marshal** 13100. There is in the State Government the office of the State Fire Marshal.

**Appointment** 13101. The State Fire Marshal shall be appointed by the Governor with the advice and consent of the Senate and shall hold office at the pleasure of the Governor. He shall be paid a salary of four thousand eight hundred dollars (\$4,800) per annum, payable out of the State Fire Marshal's Fund.  
(Amended by Stats. 1941, Ch. 756.)



13102. The State Fire Marshal may employ such salaried Assistants office and field assistants as he may consider necessary.

13103. The State Fire Marshal may appoint such assist- Deputies ant or deputy State fire marshals as he may consider necessary from among active chiefs of fire departments, city fire marshals, and his salaried field assistants.

The State Fire Marshal and the assistant or deputy State fire marshals shall exercise the functions of police officers.

13104. The State Fire Marshal shall aid in the enforce- Enforcement of fire laws ment of all laws and ordinances relating to fires or to fire prevention and protection.

He shall, if possible, attend, and take charge of and pro- Attendance at fires tect all property which may be imperiled by, any fire other than:

(a) A forest, brush, or grain fire.

(b) A fire occurring within any city or town maintaining a fire department, within a county fire protection district, or within a county where there is a regularly appointed county fire warden.

13104.5. Except on property which has been deeded to the State for taxes, the State Fire Marshal may abate fire hazards existing on property owned, controlled, or held in trust by the State, in areas not under the jurisdiction of the State Forester, upon the request of the legislative body of the city, county, or city and county within which the property is situated. The cost of the abatement shall be paid out of any money in the State Treasury appropriated for that purpose.

(Added by Stats. 1939, Ch. 693.)

13104.6. The State Fire Marshal may determine the exist- Fire hazard on tax-deeded property ence of a fire hazard on any property which has been deeded to the State for taxes and may serve a written notice of condemnation of the fire hazard on the State Controller, or on any person designated by the Controller. The fire hazard is then subject to removal in accordance with the law relating to removal of public nuisances on tax-deeded property.

(Added by Stats. 1939, Ch. 693.)

13105. He shall encourage the adoption of fire prevention Encourage- ment of fire prevention measures by means of education, and shall prepare or cause to be prepared for dissemination information relating to the subject of fire prevention and extinguishment.

13106. During the existence of a fire, the State Fire Protection of property Marshal may protect any property which is affected thereby until the arrival of the owner or claimant. If the owner or claimant does not take charge of the property within 24 hours, the State Fire Marshal may store it at the owner's or claimant's expense.

**Reports to district attorney** 13107. If there is reason to believe that any fire has resulted from crime or that crime has been committed in connection with any fire, the State Fire Marshal shall report that fact in writing to the district attorney of the county in which the fire occurred.

**Rules and regulations** 13108. The State Fire Marshal shall make and enforce orders, rules, and regulations, not inconsistent with existing laws or ordinances relating to fire protection in the design and construction of, the means of egress and the adequacy of exits from, the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, and the installation and maintenance of equipment and furnishings that present unusual fire hazards in, any State institution, factory, asylum, hospital, sanitarium, nursery, church, school, hall, theater, amphitheater, night club, or a similar occupancy or other place where a large number of persons work, live or congregate.  
(Amended by Stats. 1943, Ch. 782.)

**Inspection** 13109. The State Fire Marshal, his deputies, or his salaried assistants may enter any factory, asylum, hospital, sanitarium, nursery, church, school, hall, theater, amphitheater, night club, or a similar occupancy or other place where a large number of persons work, live or congregate at any reasonable hour for the purpose of enforcing this chapter. The owner, lessee, manager or operator of any such building or premises shall permit the State Fire Marshal, his deputies, or his salaried assistants to enter and inspect them at the time and for the purpose stated in this section.  
(Amended by Stats. 1943, Ch. 782.)

**Reports to Governor** 13110. The State Fire Marshal shall submit monthly and annual reports to the Governor.

**Fund** 13111. The State Fire Marshal's Fund is continued in existence. The money in the fund shall be expended by the State Fire Marshal for the purpose of enforcing this chapter and any other law in which the State Fire Marshal or the Division of Fire Safety in the Department of Industrial Relations is designated as the enforcing officer or agency.  
(Added by Stats. 1939, Ch. 105, as part of codification.)

**Penalty** 13112. Every person who violates any provision of this chapter, or any order, rule, or regulation made pursuant to this chapter, is guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment for not less than 30 nor more than 180 days, or by both.

A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to, this chapter.

## CHAPTER 2. CLOTHES CLEANING ESTABLISHMENTS

## Article 1. Definitions

13201. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter. Definitions

13202. "Volatile and inflammable product" and "solvent" mean any liquid, viscous, powdered, solid, or other form of product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor propagative of flame, fire, or explosion. "Volatile and inflammable product" and "solvent"

13203. "Volatile, commercially moisture-free solvent" means either of the following: "Volatile, commercially moisture-free solvent"

(a) Any commercially moisture-free liquid, volatile product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor.

(b) Any solvent commonly known to the clothes cleaning industry as a "chlorinated hydrocarbon solvent."

(Amended by Stats. 1941, Ch. 571.)

13204. "Cleaning" and "dry-cleaning" mean the process of cleaning or renovating wearing apparel, feathers, furs, hats, fabrics, or textiles by immersion and agitation, or immersion only, in a volatile, commercially moisture-free solvent, or by the use of a volatile and inflammable product, applied either manually or by means of a mechanical appliance. "Cleaning" and "dry-cleaning"

13205. "Dyeing" means the process of coloring wearing apparel, feathers, furs, hats, fabrics, or textiles by the use of aniline dyes, mordants, acid, and steam. "Dyeing"

13206. "Clothes cleaning establishment," "cleaning and dyeing establishment," and "establishment" mean any building, room, or premises equipped to perform the service of cleaning, dry-cleaning, processes incidental to cleaning or dry-cleaning, or dyeing. "Clothes cleaning establishment," "cleaning and dyeing establishment," and "establishment"

13207. "Wash room" means any building or room used for any one, or any combination, of the following purposes: "Wash room"

(a) Cleaning.

(b) Dyeing.

(c) Removing or extracting any volatile, commercially moisture-free solvent from wearing apparel, feathers, furs, hats, fabrics, or textiles that have been cleaned in such solvent.

(d) Clarifying, filtering, distilling, purifying, washing, or cleaning a volatile, commercially moisture-free solvent or volatile and inflammable product.



- "Dust wheel" or "tumbler" 13208. "Dust wheel" or "tumbler" means any wheel or machinery suitable for drying, deodorizing, or removing dust or fumes from wearing apparel, feathers, furs, hats, fabrics, or textiles.
- "Drying and deodorizing room" 13209. "Drying and deodorizing room" means any building or room containing one or more dust wheels, tumblers, or metallic drying cabinets in which wearing apparel, feathers, furs, hats, fabrics, or textiles that have been subjected to a cleaning or dyeing process are dried or deodorized.
- "Drying room" 13210. "Drying room" means any building or room containing steam pipes in which wearing apparel, feathers, furs, hats, fabrics, or textiles that have been subjected to a cleaning or dyeing process are dried.
- "Solvent treatment room" 13211. "Solvent treatment room" means any building or room used exclusively for clarifying, filtering, distilling, redistilling, settling, washing, or otherwise cleaning or renovating any volatile and inflammable product or volatile, commercially moisture-free solvent.
- "Store room" 13212. "Store room" means any building or room in which any volatile and inflammable product or solvent is kept or stored.
- "Motor room" 13213. "Motor room" means any building or room in which a motor is installed and operated.
- "Spotting and sponging room" 13214. "Spotting and sponging room" means any building or room used exclusively for cleaning by local application, other than by a process of scrubbing or brushing in which more than one gallon of a volatile and inflammable solvent is employed.
- "Boiler room" 13215. "Boiler room" means any building or room in which is maintained, kept, or operated any appliance, machinery, or apparatus for the generation of steam or the heating of water, having a capacity of eight horsepower or more in any one unit according to the American Society of Mechanical Engineers' or other standard rating.  
(Amended by Stats. 1939, Ch. 634, and by Stats. 1941, Ch. 569.)
- "Hazardous room" 13216. "Hazardous room" means any of the following:
- (a) Wash room.
  - (b) Drying and deodorizing room.
  - (c) Drying room.
  - (d) Solvent treatment room.
  - (e) Store room.
  - (f) Motor room.
  - (g) Spotting and sponging room.

13217. "Hazardous building" means any building containing one or more hazardous rooms. "Hazardous building"

13218. "Approved" means approved by the State Fire Marshal. "Approved"

13219. "Operate" and any of its variants includes "conduct" and "maintain" and any of their variants. "Operate"

## Article 2. Administration

13250. The State Fire Marshal, as Chief of the Division of Fire Safety, shall enforce and administer this chapter. Enforcement

13251. The State Fire Marshal shall appoint, in accordance with the State civil service laws, such employees as may be necessary and required to carry out the provisions of this chapter. Employees

13252. The State Fire Marshal may prescribe such rules and regulations governing the construction, equipment, and operation of clothes cleaning establishments as may be necessary for the protection of life and property against fire menace, and for the promotion of the occupational security of the operators in the establishments. Rules and regulations

As used in this section, "occupational security" means an operating condition which is as free as is industrially practicable from any agency that might contribute to bodily injury or impairment. "Occupational security" defined

13253. The State Fire Marshal shall abate every fire nuisance in a clothes cleaning establishment pending a hearing before him thereon. The cost of an abatement is assessable against the owner of the establishment in which the nuisance abated was maintained. Abatement of fire nuisances

As used in this section, "fire nuisance" means any thing or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of an obstruction, a delay, or a hindrance to, the prevention, suppression, or extinguishment of fire. "Fire nuisance" defined

13254. For the purpose of enforcing this chapter, the State Fire Marshal or his representatives may enter and inspect any clothes cleaning establishment during customary business hours, or at any time when the establishment is in operation. The owner, lessee, manager, or operator of the establishment shall permit the State Fire Marshal or his representatives to enter and inspect it at the times and for the purpose stated in this section. Inspection

## Article 3. Licenses

License required 13300. Unless he has made application to and obtained a license or permit therefor from the State Fire Marshal, no person shall do any of the following:

- (a) Establish or operate a clothes cleaning establishment.
- (b) Alter or reconstruct any building, machinery, equipment, or apparatus in an existing clothes cleaning establishment.

(c) Cleanse wearing apparel, feathers, furs, hats, fabrics, or textiles by means of a cleaning process.

(d) Keep or store any volatile and inflammable product in any building or room in which a cleaning process is performed.

Application 13301. An application for a license or permit shall be made at the office of the State Fire Marshal.

Blueprint: When petroleum or coal tar distillate used 13302. Every person who applies for a license to establish or operate a clothes cleaning establishment, or for a permit to alter or reconstruct an existing clothes cleaning establishment, in which will be or is used a volatile, commercially moisture-free solvent of the petroleum or coal tar distillate type, shall submit for approval a blue print in quadruplicate to the State Fire Marshal at the time of application.

Contents of blueprint 13303. The blueprint, which shall not be greater than 24 by 42 inches in size, shall show a plot plan, made to a scale of one-eighth of an inch to one foot, indicating:

(a) The boundary lines and dimensions of the property devoted or to be devoted to the establishment.

(b) Each street, alley, or easement adjacent to the property, together with its name and width.

(c) The position of each existing or proposed building or structure on the property in relation to the lines of each adjacent street, alley, or easement, with all dimensions indicated.

(d) The materials used or to be used in the construction of each existing or proposed building on the property, and used in the construction of each existing building on adjacent property.

(e) The wall sections and openings in each existing or proposed building on the property, and in each existing building on adjacent property.

(f) The location, size, and materials used or to be used in the construction of the boiler room, and the type and horsepower of the boiler.

Same 13304. The blueprint shall also show a three-eighths or one-half inch scale detail plan of each hazardous building and room, indicating:

- (a) All major dimensions, including heights.



(b) The sections and materials used in the construction of each wall, partition, roof, and floor.

(c) The location and size of each door, window, and skylight opening.

(d) The location of each wall vent and riser duct, and the arrangement of the ventilating system.

(e) The run of all steam or other fixed fire extinguishing equipment, including the location of each outlet and control valve.

(f) The arrangement of each operating apparatus and appliance, and the location of each motor.

13305. Every person who applies for a license to establish or operate a clothes cleaning establishment, or for a permit to alter or reconstruct an existing clothes cleaning establishment, in which will be or is employed a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type, shall submit for approval a blueprint in quadruplicate to the State Fire Marshal at the time of application.

Blueprint:  
When  
chlorinated  
hydrocarbon  
used

13306. The blueprint, which shall not be greater than 24 by 42 inches in size, shall show:

Contents of  
blueprint

(a) A plot plan, made to a scale of not less than one-sixteenth of an inch to one foot, indicating any room or compartment to be used for cleaning, drying, and deodorizing in its relation to the boundary lines of the property on which the establishment is located, and its situation within any structure on the property.

(b) A three-eighths or one-half inch scale drawing of the room or compartment, indicating its plan, elevations, and detail of construction.

13307. An agent who has been authorized in writing for the purpose may submit a blueprint in behalf of any person of whom it is required. In such case, the agent shall file his written authorization at the same time.

Submission  
by agent

13308. No license or permit shall be granted to any person unless the arrangement, materials, and construction shown on any blueprint required of, and submitted by, him have been approved by the State Fire Marshal.

Approval

13309. The approval of any blueprint shall become automatically null and void if any construction it authorizes is commenced subsequent to the expiration of 60 days from and after the date on which it is given, except when competent reasons for delaying the construction are presented to the State Fire Marshal in writing within that period.

When ap-  
proval void

13310. No person shall make any change in the execution of an approved blueprint design without the approval of the State Fire Marshal.

Change in  
execution

**Investigation** 13311. Before he grants any license the State Fire Marshal shall make a thorough investigation into the fitness of the applicant to conduct a clothes cleaning establishment.

**Refusal of license** 13312. The State Fire Marshal may refuse to grant a license for any of the following causes:

(a) If any blueprint required of the applicant does not comply with the provisions of this article.

(b) If his investigation reveals that the building, room, or premises in or upon which the applicant proposes to operate a clothes cleaning establishment, the character of the applicant, or the applicant's ability to operate a clothes cleaning establishment, does not comply with the provisions of this chapter, or is such as will jeopardize, or will render the proposed establishment a menace to, the public welfare or safety.

**Renewal of license** 13313. Every person who desires to continue in business shall make an application to the State Fire Marshal for a renewal license on or before the first day of January of each year.

**Fee** 13314. At the time of making application an applicant for an original license to operate a clothes cleaning establishment shall pay the State Fire Marshal a license fee in the following amount:

(a) Forty dollars (\$40), if he makes application or operates an establishment on or after the first day of January but not later than the thirtieth day of June of any year.

(b) Twenty dollars (\$20), if he makes application or operates an establishment on or after the first day of July but not later than the thirtieth day of December of any year.

At the time of making application for a renewal license, an applicant shall pay the State Fire Marshal a license fee of forty dollars (\$40).

(Amended by Stats. 1941, Ch. 570.)

**Penalties** 13314.5. If the annual license fee for an original or renewal license required of any person who operates a clothes cleaning establishment is not paid on or before the date it is due and payable, a penalty shall be added to the fee in accordance with the following schedule:

(a) Ten dollars (\$10), if it is not paid within a period of 90 days after the date when it is due and payable.

(b) Twenty dollars (\$20), if it is not paid within a period of 150 days after the date it is due and payable.

(Added by Stats. 1941, Ch. 570.)

**Failure to pay fee** 13315. The failure of any person to pay any fee prescribed and required of him by this article on or before the first day of January of each year in which he engages in business constitutes prima facie evidence of the violation of this chapter.

13316. All license fees shall be paid into the State Treasury and credited to the State Fire Marshal's Fund. Disposition of fees

13317. Each license shall contain: Contents of license

(a) The name of the licensee.

(b) If the licensee is an establishment which is, or will be, operated under a fictitious firm name, the fictitious firm name and the name of each individual owner of the establishment.

(c) A designation of the street and number of the premises in or upon which the licensee is, or will be, located.

13318. Every licensee shall post his license in a conspicuous place in his establishment. He shall show it upon request to an authorized representative of the State Fire Marshal or of any city or county fire department. Posting license

13319. No person shall establish or operate any clothes cleaning establishment under or by virtue of a license issued to or in the name of any other person. Operation under another's license

13320. The State Fire Marshal shall, after giving a notice and affording a hearing, revoke any license to operate a clothes cleaning establishment, or any permit relating to the storage of a volatile and inflammable product, for any of the following causes: Asbestos blanket

(a) If the licensee or permittee has violated, or has caused or permitted a violation of, any of the provisions of this chapter.

(b) If the licensee or permittee has operated his establishment, or caused or permitted it to be operated, in an unlawful or careless manner dangerous to persons or property.

13321. The notice shall be in writing and shall state: Notice

(a) The ground of complaint against the licensee or permittee.

(b) The time and place of the hearing.

13322. It shall be served upon the licensee or permittee at least five days prior to the date of the hearing by any of the following methods: Service of notice

(a) By delivery to the licensee or permittee.

(b) By delivery to the manager, agent, or representative of the licensee or permittee, or to any person in charge of or employed in the licensee's or permittee's establishment.

(c) By leaving the notice at the licensee's or permittee's establishment or residence with some person of suitable age and description.

13323. In any case where the notice is served upon the licensee or permittee by delivery to some other person, a copy of the notice shall be deposited in the United States post office, in a sealed envelope, postage prepaid, addressed to the licensee or permittee at his establishment. Mailing copy of notice



Court review 13324. An order of the State Fire Marshal revoking a license is subject to a court review, but it shall not be set aside except upon the ground that the State Fire Marshal has exceeded his powers in making it or has been guilty of fraud in its use.

#### Article 4. Buildings, Equipment, and Operation

Hazardous buildings 13350. No person shall establish or operate a clothes cleaning establishment, except one in which is used exclusively in the process of cleaning or dyeing a product designated as non-combustible and nonexplosive by a laboratory nationally recognized as properly equipped to make the designation, unless all the processes of cleaning, dyeing, renovating, drying, deodorizing, and solvent storage and treatment are carried on in a hazardous building located, constructed, equipped, and maintained pursuant to this article. However, nothing contained in this article shall prohibit the State Fire Marshal from licensing, under rules and regulations promulgated by him, the installation and use in any building of dry-cleaning machinery approved by a laboratory nationally recognized as properly equipped to make the designation, and utilizing a solvent with a flash point of not less than 138.5 degrees F., so long as such machinery is not used in a building occupied in whole or in part as a dwelling, apartment house, hotel, restaurant, or place of public assemblage.

(Amended by Stats. 1941, Ch. 320.)

Rooms 13351. A hazardous building may contain any combination of hazardous rooms.

Location 13352. Unless otherwise provided in this article, no hazardous building shall be located less than 12 feet from any boundary line of, or any other building or structure on, the lot or premises upon which it is constructed.

Exception 13353. A hazardous building may be located less than 12 feet from any boundary line of, or any other building or structure on, the lot or premises of any establishment which was in existence prior to August 2, 1927, if the establishment meets, or is made to meet, the requirements of this chapter.

Same 13354. Where a boundary line is identical with a line of a street, alley, or irrevocable easement which is less than 12 feet in width, a hazardous building may be located nearer than 12 feet from that line, but not nearer than 12 feet from the opposite or remote line of the street, alley, or irrevocable easement.

Same 13355. Where a boundary line is identical with a line of a street, alley, or irrevocable easement which is 12 feet or more in width, a hazardous building may be located on that line.

13356. In the case of a clothes cleaning establishment in Same existence and operated prior to August 27, 1937, distilling apparatus having a capacity of not more than 300 gallons per hour may be installed and housed in an approved location and manner within a building or room which is nearer than 12 feet from any boundary line or from any other building or structure, but which in other respects complies with the provisions of this article relative to the construction and equipment of hazardous buildings.

13357. A hazardous building shall be constructed in accordance with the best practice. An observance of the following requirements shall be considered prima facie evidence of compliance with the best practice: Construction:  
Compliance  
with best  
practice

(a) The requirements as to structural design, materials, and workmanship in the latest amended form of the uniform building code prepared by the Pacific Coast Building Officials Conference.

(b) The requirements of this article as to design, structural or other detail, or employment of materials, if such requirements vary from and are more rigid than those of the uniform building code.

(c) The requirements of any State law or regulation, or of any building code or ordinance of a municipality or other political division in which the building is to be located, if such requirements are more rigid than those of this article or of the uniform building code.

13358. A hazardous building shall not exceed one story in height, unless it was in existence and in operative use prior to August 2, 1927, and has been in continuous operative use since that date, in which case it shall be made to conform with the requirements of this article in so far as is physically possible. Building  
height

13359. No room in a hazardous building shall be less than 10 feet in height from the floor level to the under side of the lowest point of the roof slab, unless: Room  
height

(a) The building was in existence and in operative use prior to August 2, 1927, and has been in continuous operative use since that date.

(b) The building was constructed since August 2, 1927, in accordance with a design approved prior to December 1, 1928.

13360. The foundations of a hazardous building shall not have a batter of less than 60 degrees from a horizontal plane, unless constructed of concrete with adequate metallic reinforcement. Foundations

13361. The floors of a hazardous building shall be constructed of concrete not less than four inches thick with a troweled, cement-top finish. They shall be laid directly upon Floors

the earth at an elevation at or above the adjacent ground level. There shall not be any basement or other open space under them, and they shall not contain any gutter, sump, pit, other depression, or sewer drainage connection.

(Amended by Stats. 1939, Ch. 634.)

**Walls:** 13362. The exterior and bearing walls of a hazardous building shall be constructed of brick not less than 12 inches thick, or of reinforced concrete not less than eight inches thick. Piers or columns shall be provided at concentrated loads or other points of structural necessity.

**Exception** This section does not apply to the exterior and bearing walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than eight inches thick, or reinforced concrete not less than six inches thick, and are approved as to location and condition.

**Additions or extensions** 13363. Any addition to or extension of an existing and approved exterior or bearing wall shall be thoroughly bonded to the wall, and shall be constructed of the materials and conform to the sections required in the construction of exterior or bearing walls of new buildings.

**Interior division** 13364. Interior division walls, other than bearing walls, separating hazardous rooms shall be constructed of brick not less than eight inches thick, or of reinforced concrete not less than six inches thick.

**Exception** This section shall not apply to the interior division walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than six inches thick, and are approved as to location and condition.

**Additions or extensions** 13365. Any addition to or extension of an existing and approved interior division wall shall be thoroughly bonded to the wall, and shall be constructed of the materials required in the construction of interior division walls of new buildings.

**Wall height** 13366. Interior division walls separating hazardous rooms, and all partitions in a hazardous building, shall extend from the floor level to the under side of the roof construction.

**Partitions** 13367. Partitions or other similar interior construction in a hazardous building shall be constructed entirely of incombustible materials which shall be installed in an approved manner.



13368. The roof of a hazardous building shall be of a flat <sup>Roof</sup> type, and of reinforced concrete designed for a live load of 30 pounds per square foot of horizontal projection.

Every steel girder or beam, and all reinforcing steel in a concrete girder, beam, or slab, used in connection with the roof shall be protected with concrete.

There shall be no concealed roof space.

The bottom of a roof slab shall form the ceiling of the room over which the slab is placed.

13369. The roofing of a hazardous building may be com- <sup>Roofing</sup> posed of either of the following combinations of material:

(a) Asphalt and asphalt-saturated rag felt, with the exposed surface protected with roofing gravel.

(b) Asphalt and asphalt-saturated asbestos.

All roofing shall be applied in a workmanlike manner.

13370. Except for openings for doors, windows, and vents <sup>Openings</sup> having approved fire protection in an exterior wall, and for vent ducts, piping, and shafting in an exterior wall, an interior division wall, or a partition, there shall be no opening in any exterior wall of a hazardous building, nor in any interior division wall or partition separating hazardous rooms.

The clearance at a permissible opening shall not exceed one-quarter of an inch.

13371. Every door opening in a hazardous building shall <sup>Door opening</sup> be at least three feet in width. It shall lead directly to an area open to the sky, which shall afford a continuous, unobstructed means of safe egress from the building. An awning or roof of an approved design may be installed over this area. Any existing awning or roof which does not meet with the approval of the State Fire Marshal shall be removed, remodeled, reconditioned, or relocated.

(Amended by Stats. 1939, Ch. 634.)

13372. A fire door protecting an exterior opening in a haz- <sup>Fire doors: Character</sup> ardous building may be either sliding, hinged, or rolling, and shall be constructed and hung in accordance with the best practice. An observance of the latest amended form of the regulations of the National Board of Fire Underwriters and of the supplementary regulations of the Board of Fire Underwriters of the Pacific shall be considered prima facie evidence of compliance with the best practice.

Every fire door shall be so arranged that it can be opened readily from either side.

13373. Every door locking device installed for a fire door <sup>Lock</sup> shall be of a kind that can be operated from the exterior side of the door.

**Links** 13374. A standard-sized sliding fire door shall have at least three fusible links. A hinged, rolling, or oversized fire door shall have more than three fusible links.

**Wash room doors** 13375. Every wash room shall have at least two doors, which shall be located as far from each other as is practicably possible.

**Window openings** 13376. Every window opening in a hazardous building shall be fitted with approved solid-steel sash, and with one-quarter inch wire glass, which shall be back puttied and held in place with metallic glazing strips.

Every ventilator in the sash shall be pivoted to insure automatic closing, and shall be controlled by a fusible link.

**Skylights** 13377. Hinged skylights of an approved character shall be placed in the roof of each hazardous room. They shall occupy an area equal to at least one-eighth of the floor area of the room, and shall be constructed with galvanized iron frames and sash of not less than No. 24 U. S. Standard gauge. The skylights shall be so arranged that they will open under pressure in case of an explosion and will close automatically thereafter.

**Ventilation: Wall vents** 13378. Approved wall vents, designed, detailed, and constructed in accordance with the specification on file in the office of the State Fire Marshal, shall be placed in the exterior walls of a hazardous building. There shall be one vent for each six lineal feet of the total external dimensions of the building, less one vent for each door opening, but in no case shall there be fewer than two vents for each hazardous room. The vents shall be so located as to provide an ingress of air at the corners of each hazardous room, and at equally spaced distances between such corners.

**Fan exhaust system** 13379. A power-driven fan exhaust system of ventilation shall be installed for every hazardous building. It shall be designed and operated to produce a complete change of air in each room of the building once every three minutes, and shall be operated continuously while any part of the building is in operation.

The riser, branch, and main ducts of the system shall be constructed of galvanized iron of not less than No. 24 U. S. Standard gauge, but the lower three feet of each vertical riser duct shall be fabricated and installed in accordance with the approved standard detail on file in the office of the State Fire Marshal. The discharge outlet shall be located at a height of not less than one foot above the highest part of the building.

**Heating devices** 13380. Hot water or steam heating devices only may be installed or used in a hazardous building for heating purposes.

13381. No artificial light, except that produced by elec- Lighting  
tricity, nor any open light, flame, or fire, shall be installed or  
used in a hazardous building.

13382. Every electrical conduit, fitting, or fixture in a Fixtures  
hazardous building shall be of an explosion-proof type.

13383. Unless it is of an approved, explosion-proof type, no Motors  
electrical switch, appliance, or motor shall be placed in a  
hazardous room.

13384. Every machine, appliance, or shaft in a hazardous Grounding  
building shall be grounded to a live water line with No. 10  
gauge wire, run in rigid metallic conduit with approved con-  
nections.

13385. Every electrical conduit, switch, fitting, fixture, or Installation  
of fixtures,  
etc.  
appliance, and every motor, machine, or shaft in a hazardous  
building shall be installed in accordance with the best practice.

An observance of the latest amended form of the National  
Electrical Code shall be considered prima facie evidence of  
compliance with the best practice.

13386. No machine, apparatus, appliance, or device shall be Approval of  
machinery  
used in a clothes cleaning establishment, unless its operation,  
structural integrity, condition, and placement have been  
approved by the State Fire Marshal. Any present installation  
not meeting with the approval of the State Fire Marshal as to  
type, construction, condition, or placement, shall be immedi-  
ately removed, remodeled, reconditioned, or relocated.

13387. Every circulation area for the use of an operator Area for use  
of machine  
operator  
of any machine, apparatus, appliance, or device shall be at  
least three feet in width. However, a single tumbler or dust  
wheel may be installed in a room having an alined dimension  
three feet greater than the overall length of the tumbler  
or dust wheel.

13388. No boiler or steam generator shall be installed or Boiler room  
construction  
used in connection with a clothes cleaning establishment unless  
it is installed and housed in conformity with the following:

(a) No boiler or steam generator of any horsepower, nor  
the boiler room in which it is housed, shall be placed or located  
within 12 feet from any hazardous building.

(b) A boiler or steam generator located within 30 feet of a  
hazardous building shall be housed in a boiler room con-  
structed of burned clay brick, burned clay tile, or reinforced  
concrete, and having a reinforced concrete roof.

No door opening in the room shall be located at a point  
less than 20 feet from the nearest door, wall vent, or venti-  
lated window opening in a hazardous building, nor, except  
when operatively impossible shall it be placed in a wall facing  
a hazardous building.



Fire doors and window sash in a boiler room shall meet the requirements of this article for fire doors and window sash in a hazardous building.

(c) A boiler or steam generator having a capacity of eight horsepower or more in any one unit according to the American Society of Mechanical Engineers' or other standard rating, and located at a distance of 30 feet or more from a hazardous building, or used in connection with a clothes cleaning establishment employing any moisture-free solvents of the chlorinated hydrocarbon type, shall be mounted on a masonry base and housed in a boiler room constructed of wood frame with metal lath and plaster on both sides, and a metal lath and plaster ceiling, or some other equally fire-resistive construction. Metal clad, self-closing doors shall be installed at every door opening in the room; and metal sash and one-quarter-inch wire glass shall be installed at each window opening.

(d) Every boiler used in connection with a clothes cleaning establishment shall be mounted on a suitable masonry base.

(Amended by Stats. 1941, Ch. 569.)

Fire extin-  
guishing  
system

**13389.** Every clothes cleaning establishment shall be equipped with a fire extinguishing system of one of the following types:

(a) A steam fire extinguishing system.

(b) An approved carbon dioxide fire extinguishing system.

(c) Any other system meeting with the approval of the State Fire Marshal.

Boiler

**13390.** Every clothes cleaning establishment with a steam fire extinguishing system shall be equipped with a steam boiler having a capacity, in addition to that required for other uses in the establishment, of not less than one horsepower, according to the American Society of Mechanical Engineers, or other standard rating, for each 200 cubic feet, or fraction thereof, of the cubic content of the largest hazardous room in the establishment.

Boiler steam  
pressure

**13391.** A steam pressure of not less than 50 pounds per square inch shall be maintained in the boiler while operations are being carried on in any hazardous room of the establishment.

Steam lines

**13392.** There shall be installed:

(a) A steam line with an internal diameter of not less than one and one-half inches, leading from the boiler to the hazardous building.

(b) In each hazardous room a dry steam line with an internal diameter of not less than one and one-quarter inches, and with not less than one approved open nozzle for each 500 cubic feet, or fraction thereof, of the cubic content of the room.

13393. The release of steam from the steam fire protection system shall be controlled by approved quick-acting valves, installed in approved locations outside the hazardous building. (Amended by Stats. 1939, Ch. 634.)

Control of  
steam release

13394. Approved chemical fire extinguishers shall be installed in every clothes cleaning establishment, in locations designated by the State Fire Marshal. They shall be discharged and recharged at least once every 12 months, and the date on which they are discharged and recharged shall be recorded on cards attached to them.

Fire extin-  
guishers

13395. An approved asbestos blanket, five feet ten inches in width by seven feet in length, hung and protected in an approved manner, and an approved boat hook, seven feet in length and without a pike point, shall be installed at the exterior of every hazardous building in approved locations.

Asbestos  
blanket

Boat hook

13396. Approved metallic "No Smoking" signs shall be installed in every hazardous building and in every area used for spotting and sponging in a clothes cleaning establishment, at locations designated by the State Fire Marshal.

"No smok-  
ing" sign

13397. No person shall store, keep, or use any volatile and inflammable product in or upon the premises of a clothes cleaning establishment, unless all tanks or other containers, the system for the circulation and use of solvent, and all pumps, piping, fittings, sight glasses, valves, traps, and emergency dump or other devices employed in connection with the storage, circulation, or use are approved by the State Fire Marshal.

Storage of  
solvent

13398. In any clothes cleaning establishment in which more than one gallon of a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type is used for dry-cleaning, the performance of all the dry-cleaning, drying, and deodorizing processes may be completed entirely within fluid-tight machines or apparatus vented to the open air at a point not less than eight feet from any window or other opening and so used and operated as to prevent the escape of fumes, gases or vapors into workrooms or work places.

Dry-cleaning  
and deodor-  
izing in  
fluid-tight  
machines

13399. Except when operations are performed as provided in Section 13398 of this code, no person shall operate a clothes cleaning establishment in which more than one gallon of a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type is used for dry-cleaning unless:

Dry-cleaning  
and deodor-  
izing in  
single room

(a) All the dry-cleaning, drying, and deodorizing processes are performed in a single room or compartment.

(b) The dry-cleaning process is performed in fluid-tight machines or apparatus.

**Construction of room or compartment** 13400. The room or compartment shall be completely inclosed except for necessary door and window openings to enable operators to carry on operations within, but without entering, the room or compartment. The doors shall be self-closing and shall not be left open.

**Ventilation** 13401. The room or compartment shall be equipped with an approved system of mechanical ventilation that will completely change the air content at least once every two minutes while:

(a) A dry-cleaning, drying, or deodorizing process is being performed.

(b) A solvent is exposed to the air in the room or compartment.

(c) Alterations, adjustments, or repairs are being made in the room or compartment.

The air shall be taken out of the room or compartment at the floor line, and shall be discharged to the open air at a point not less than eight feet from any window or other opening.

**Entry** 13402. No employee shall be permitted to enter the room or compartment except for the purpose of making necessary repairs, alterations, or adjustments.

**Wet-washing** 13403. Approved processes of wet-washing are permitted in a hazardous building.  
(Amended by Stats. 1939, Ch. 634.)

**Reports of fires or explosions** 13404. The owner, operator, or manager of a clothes cleaning establishment shall make a detailed report to the State Fire Marshal of every fire or explosion which occurs in or upon the premises of the establishment within 24 hours after the fire or explosion, on forms provided for that purpose.

## Article 5. Violations

**Violations** 13450. Any person who commits any of the following acts is guilty of a misdemeanor:

(a) Violates any provision of this chapter.

(b) Violates or fails to comply with any order, rule, or regulation made pursuant to this chapter.

(c) Constructs a clothes cleaning establishment in violation of a blueprint or statement submitted to and approved by the State Fire Marshal.

(d) Violates the terms of any license or permit issued pursuant to this chapter.

Any person who commits more than one of the acts specified in this section is guilty of a separate misdemeanor for each such commission.

**Continued violation** 13451. A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of this chapter. The district attorney shall prosecute him until the violation is discontinued.



13452. Any person who aids or abets the owner, manager, or operator of a clothes cleaning establishment in the violation of any provision of this chapter is guilty of a misdemeanor. Aiding violation

13453. The State Fire Marshal shall submit to the district attorney any evidence relating to: Report of violation

(a) A violation of any provision of this chapter.

(b) Aiding or abetting any owner, manager, or operator of a clothes cleaning establishment to violate any provision of this chapter.

13454. Upon the receipt of any evidence relating to a violation of any provision of this chapter, the district attorney shall prosecute the violator. Prosecution

(Amended by Stats. 1939, Ch. 634.)

### CHAPTER 3. SPOTTING, SPONGING, AND PRESSING ESTABLISHMENTS

#### Article 1. Definitions and General Provisions

13501. Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter. Definitions

13502. "Dry cleaning" means the process of freeing wearing apparel, feathers, furs, hats, fabrics, or textiles from grease, dirt, spots, stains, or discolorations by the use of a volatile, commercially moisture-free solvent, applied either manually or by means of a mechanical appliance. "Dry-cleaning"

13503. "Spotter and sponger" means any person who removes spots, stains, or other discolorations from wearing apparel, feathers, furs, hats, fabrics, or textiles by means of a cleaning medium applied manually. "Spotter and sponger"

13504. "Presser" means any person who renovates wearing apparel, feathers, furs, hats, fabrics, or textiles by means of ironing, performed either manually or by the use of a mechanical appliance. "Presser"

13505. "Cleaning and dyeing shop or store" and "spotting, sponging, or pressing establishment" mean any premises, building, room, shop, store, instrumentality, or establishment, including an establishment commonly known to the trade as a press shop or furrier, but excluding any clothes cleaning establishment, equipped to perform, in whole or in part, a spotting, sponging, dry cleaning by local application, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats, fabrics, or textiles. "Cleaning and dyeing shop or store" and "spotting, sponging, or pressing establishment"

13506. "Private school or college of spotting, sponging, or pressing" means any establishment in which individuals "Private school or college of spotting, sponging, or pressing"

are taught the operations or processes employed in the spotting, sponging, dry cleaning by local application, or pressing or other finishing of wearing apparel, feathers, furs, hats, fabrics, or textiles, whether gratuitously, for a charge or fee, or in exchange for services.

**13507.** "Clothes cleaning establishment" and "cleaning and dyeing establishment" mean any premises, building, room, instrumentality, or establishment commonly known to the trade as a cleaning plant or cleaning and dyeing plant, equipped to perform the service of dry cleaning by immersion and agitation, or immersion only, in a volatile, commercially moisture-free solvent.

**13508.** "Service outlet" means any premises, building, room, shop, store, instrumentality, or establishment in, upon, or through which a spotting, sponging, dry cleaning, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats, fabrics, or textiles is sold or bartered, or offered for sale or barter, or made an obligation or condition of a sale or barter, directly to the public.

**13509.** "Service inlet" means any premises, building, room, shop, store, instrumentality, or establishment used for collecting or receiving wearing apparel, feathers, furs, hats, fabrics, or textiles as to which a spotting, sponging, dry-cleaning, or pressing or other finishing service is to be performed.

**13510.** Any advertisement of the service of spotting, sponging, or pressing constitutes prima facie evidence that the premises, room, shop, store, instrumentality, or establishment in or upon which it appears, or to which it refers, is a service outlet or inlet.

**13511.** "Agency" means any premises, building, room, shop, store, instrumentality, or establishment, including an establishment commonly known to the trade as a pickup shop, tailor shop, or secondhand clothing shop, upon, in, or through which is conducted, maintained, or operated a service outlet or inlet for a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, a clothes cleaning establishment, or a cleaning and dyeing establishment.

**13512.** The ownership of an agency shall be verified under oath when required by the State Fire Marshal.

**13513.** (Repealed by Stats. 1943, Ch. 193.)

13514. "Volatile and inflammable product" means any liquid, viscous, powdered, solid, or other form of product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor propagative of flame, fire, or explosion. "Volatile and inflammable product"

13515. "Volatile, commercially moisture-free solvent" includes any solvent of the petroleum distillate, coal tar distillate, or chlorinated hydrocarbon type. "Volatile, commercially moisture-free solvent"

13516. "Fire nuisance" means any thing or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of an obstruction, a delay, or a hindrance to, the prevention, suppression, or extinguishment of fire. "Fire nuisance"

13517. "Approved" means approved by the State Fire Marshal. "Approved"

13518. "Operate" and any of its variants includes "conduct" and "maintain" and any of their variants. "Operate"

13519. Any application, fee, or penalty required by or specified in this chapter shall be filed or paid at the office of the State Fire Marshal. It shall not be incumbent upon the State Fire Marshal to issue any notification in regard to the filing or payment. Filing application, payment of fee, etc.

13520. The provisions of this chapter do not apply to any store whose major business is selling merchandise and which is not engaged in cleaning, dyeing, spotting, sponging, or pressing as an occupation for gain, but which performs a process of cleaning, dyeing, spotting, sponging, or pressing only in order to renovate wearing apparel or other goods which have become soiled or stained in transit from the manufacturer, or which have subsequently become shopworn, soiled, or stained. Exemption

## Article 2. Administration

13550. The State Fire Marshal shall enforce and administer the provisions of this chapter. Enforcement

13551. The State Fire Marshal shall appoint, in accordance with the State civil service laws, such employees as may be necessary and required to carry out the provisions of this chapter, and shall prescribe their duties. Employees



Rules and  
regulations

13552. The State Fire Marshal shall formulate such rules, orders, and regulations as may be necessary to:

(a) Promote fire prevention and health protection in spotting, sponging, or pressing establishments, and in private schools or colleges of spotting, sponging, or pressing.

(b) Carry out the provisions of this chapter.

(Amended by Stats. 1941, Ch. 1222.)

Abatement  
of fire  
nuisances

13553. Pending a hearing thereon, the State Fire Marshal shall abate any fire nuisance upon any property or premises used as:

(a) A cleaning and dyeing shop or store.

(b) A spotting, sponging, or pressing establishment.

(c) A unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry cleaning by local application, or pressing.

(d) An agency of any shop, store, or establishment mentioned in this section.

(e) A private school of spotting, sponging, or pressing.

The cost of an abatement is assessable against the owner, lessee, or occupant of the property or premises.

Inspection

13554. The State Fire Marshal, or his deputies or assistants, shall enter and inspect the following establishments during customary business hours, or at any time when they are in operation, for the purpose of enforcing this chapter:

(a) Spotting, sponging, or pressing establishments, or agencies thereof.

(b) Private schools or colleges of spotting, sponging, or pressing.

(c) Agencies of clothes cleaning establishments.

The owner, lessee, manager, or operator of any such establishment shall permit the State Fire Marshal, or his deputies or assistants, to enter it at the times and for the purpose stated in this section.

### Article 3. Licenses and Registration

Certificate

13600. No person shall establish or operate a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or college of spotting, sponging, or pressing unless he has first made application to and obtained a certificate of registration and a license therefor from the State Fire Marshal.

(Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193.)

Agency

13601. No person shall establish or operate an agency of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, or of a clothes cleaning establishment, unless he has first made application to and obtained a license therefor from the State Fire Marshal.

(Amended by Stats. 1941, Ch. 1222.)

13602. Every person who desires to engage in the business of spotting, sponging, or pressing, or of conducting a private school of spotting, sponging, or pressing, shall first apply to the State Fire Marshal, upon a form prepared by the latter, for an investigation and examination. Application

The application shall be accompanied by the fee for investigation and examination required by this chapter, which fee shall be forfeited if the applicant fails to pass successfully the investigation and examination. Fee

13603. The application shall be verified under oath when required by the State Fire Marshal, and shall contain proof of the applicant's eligibility for registration and a license. Verification and contents of application

13604. The applicant shall submit evidence showing that: Evidence of knowledge, etc.  
(a) He possesses a competent knowledge of the business in which he desires to engage and of the fire preventive measures usual and necessary in the conduct of the business.

(b) He has the character, ability, and fitness to maintain and conduct the business without unduly increasing the menace of fire to the public or otherwise jeopardizing the public welfare.

13605. The State Fire Marshal shall make a thorough investigation and examination of the character of the applicant, and of his knowledge of, and ability and fitness to maintain and conduct, the business in which he desires to engage. Investigation and examination

13606. A certificate of registration, and a license for the license period in which the investigation and examination is made, shall be issued to every applicant who passes the investigation and examination upon the payment of the annual license fee required by this chapter. Any applicant who fails to pass the investigation and examination is eligible for re-investigation and re-examination after the expiration of 45 days, upon reapplication and payment of the fee for investigation and examination. Issuance of certificate of registration and license

(Amended by Stats. 1941, Ch. 1222.)

13607. Not later than the first day of July in each year, every person who operates any of the following shall make written application to the State Fire Marshal, upon a blank to be prepared by the latter, for a license: Renewal

(a) A cleaning and dyeing shop or store, or any agency thereof.

(b) A spotting, sponging, or pressing establishment, or any agency thereof.

(c) An agency of a clothes cleaning establishment, or any other agency.

(d) A private school or college of spotting, sponging, or pressing.

**Fee** The application shall be accompanied by the annual license fee required by this chapter.

(Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193.)

Statement of  
gasoline tank  
capacity

13608. Every person who operates a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall, in his application for registration and license, state the capacity of each tank or other container used by him for the storage of gasoline.

13609. (Repealed by Stats. 1943, Ch. 193.)

Lost or  
destroyed  
license

13610. A duplicate of any certificate of registration or license which has been lost or destroyed shall be issued to the person entitled to the certificate or license upon his sworn statement of the loss or destruction and the payment by him of the fee for a duplicate required by this chapter.

(Amended by Stats. 1943, Ch. 193.)

13611. (Repealed by Stats. 1943, Ch. 193.)

Inspection of  
registration  
certificate

13612. The holder of a certificate of registration shall submit it for inspection upon the request of the State Fire Marshal, or of a deputy or assistant State Fire Marshal.

Suspension  
or revocation  
of license

13613. After giving the interested person a five days' notice in writing and affording him an opportunity to be heard, the State Fire Marshal may refuse to issue or renew, or may suspend or revoke, any certificate of registration or license for any of the following causes:

(a) Obtaining, or attempting to obtain, a certificate of registration or license by fraudulent misrepresentations.

(b) Unlawful conduct or practices, including failure to observe the requirements of municipal ordinances concerning dry cleaning or the installation of equipment.

(c) The violation of any of the provisions of this chapter.  
(Amended by Stats. 1941, Ch. 1222.)

Notice

13614. The notice shall contain a brief statement of the reasons for the contemplated action of the State Fire Marshal, and shall designate a proper time and place for hearing all interested parties before any final action is taken.



13615. Notice shall be deemed to have been given when the State Fire Marshal shall have placed in a United States post office a copy of the notice addressed to the applicant or licensee affected at his designated place of business or last known residence. Service by mail

13616. Any decision of the State Fire Marshal denying, suspending, or revoking any certificate of registration or license pursuant to this chapter is subject to review in accordance with law. Court review

#### Article 4. Fees and Penalties

13650. Every annual license fee shall be due and payable not later than the first day of July of each year. Annual license fee

13651. The failure to pay any annual license fee required by this chapter on or before the first day of July of each year, or when it is otherwise due and payable, constitutes prima facie evidence of the violation of this chapter. Failure to pay

13652. Each annual license fee shall cover a license period from the first day of July in any year to the thirtieth day of June in the following year, or any portion of any such license period during which the shop, store, establishment, agency, school, or college is operated, regardless of the date when the fee is paid. Period covered

(Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193.)

13653. (Repealed by Stats. 1943, Ch. 193.)

13654. All moneys collected pursuant to this chapter shall be paid into the State Treasury and credited to the State Fire Marshal's Fund. Disposition of moneys

13655. The fees required by this chapter are those fixed by the following schedule: Fee schedule

(a) The application fee for investigation and examination is ten dollars (\$10).

(b) The annual license fee for each cleaning and dyeing shop or store, and for each spotting, sponging, or pressing establishment, is six dollars (\$6).

(c) The annual license fee for each agency is six dollars (\$6).

(d) The annual license fee for each private school or college of spotting, sponging, or pressing is two hundred fifty dollars (\$250).

(e) The fee for a duplicate certificate of registration, license, or license plate is one dollar (\$1).

(Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193.)

Delinquent  
payment

13656. If the annual license fee required of any person who operates a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or any agency is not paid on the date when it is due and payable, a penalty shall be added to the fee in accordance with the following schedule:

(a) Fifty cents (\$0.50), if it is not paid within a period of 30 days from and after the date it is due and payable but is paid within a period of 60 days from and after such date.

(b) One dollar (\$1), if it is not paid within a period of 60 days from and after the date when it is due and payable but is paid within 90 days from and after such date.

(c) One dollar and fifty cents (\$1.50), if it is paid subsequent to the expiration of 90 days from and after the date when it is due and payable.

(Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193.)

Same:  
School or  
college

13657. If the annual license fee required of any person who operates a private school or college of spotting, sponging, or pressing is not paid on the date when it is due and payable, a penalty shall be added to the fee in accordance with the following schedule:

(a) Twenty dollars (\$20), if it is paid within a period of 30 days from and after the date when it is due and payable.

(b) Sixty dollars (\$60), if it is paid within a period of 31 to 60 days from and after the date when it is due and payable.

(c) One hundred twenty-five dollars (\$125), if it is paid subsequent to the expiration of 61 days from and after the date when it is due and payable.

## Article 5. Operation and Management

Person in  
charge:  
Cleaning  
and dyeing  
shop, etc.

13675. No person shall operate a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or any unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry cleaning by local application, or pressing, unless a registered spotter, sponger, and presser is in, and in charge of, the shop, store, establishment, unit, or department.

School or  
college

13676. No person shall operate a private school or college of spotting, sponging, or pressing, unless the owner, manager of, and the instructors in, the school or college are registered spotters, spongers, and pressers.

13677. No person shall keep, store, or use any volatile, Agency commercially moisture-free solvent, or install any spotting, sponging, or pressing appliance for commercial usage, in or upon the premises of any agency, unless a registered spotter, sponger, and presser is in, and in charge of, the agency.

13678. Every room or place used as an office, showroom, Separation of rooms workroom, or storeroom of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of a private school or college of spotting, sponging, or pressing, or of any agency of a clothes cleaning establishment, shall be completely separated from every other room or place used for cooking, eating, sleeping, or other domestic functions by a partition or partitions, the openings in which shall be equipped with doors or glazed sash, or both. No person shall cook, eat, sleep, or engage in any other domestic function in any such office, showroom, workroom, or storeroom.

13679. Every office, workroom, storeroom, or other room Sanitation, etc. or place in which any of the processes of spotting, sponging, or pressing are performed, or in which any wearing apparel, feathers, furs, hats, fabrics, or textiles are kept or stored, and every roof, yard, court, passage, or other area in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall at all times be kept in good repair, free from any accumulation of dirt or debris that may constitute or give rise to a fire nuisance, and in an orderly, clean, and sanitary condition as to floors, walls, ceilings, windows, doors, woodwork, machinery, apparatus, utensils, fixtures, and furnishings.

Every office, workroom, storeroom, or other room or place Lighting and ventilation specified in this section shall be adequately lighted and ventilated either by natural or mechanical means. The State Fire Marshal shall require the lighting and ventilation to comply with the accepted standards for industrial plants similar to those subject to this chapter.

13680. Any drying room, cabinet, or other appliance used Drying or deodorizing appliances for the purpose of drying or deodorizing in a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall be located, constructed, installed, ventilated, and operated in a manner meeting with the approval of the State Fire Marshal.



Approval of  
installations

13681. No machine, apparatus, appliance, or device shall be used in a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, unless its operation, structural integrity, condition, and placement have been approved. Any present installation not meeting with the approval of the State Fire Marshal as to type, construction, condition, or placement, shall be immediately removed, remodeled, reconditioned, or relocated.

Storage,  
etc., of  
volatile and  
inflammable  
products

13682. No person shall keep, store, or use in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or college of spotting, sponging, or pressing, more than eight pounds in the aggregate of viscous, powdered, or solid volatile and inflammable products or substances. Any such products or substances in excess of one pound shall be kept or stored in approved safety containers.

Storage,  
etc., of cer-  
tain solvents

13683. Except as otherwise provided in Section 13684 of this code, no person shall keep, store, or use in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or college of spotting, sponging, or pressing, more than one gallon in the aggregate of volatile, commercially moisture-free solvents of the petroleum distillate or coal tar distillate type. Any such solvent in excess of one pint shall be kept or stored in approved safety cans.

Storage of  
gasoline

13684. Gasoline for use in automotive vehicles or for approved purposes may be kept and stored in an approved specified quantity in excess of one gallon in an approved manner and in an underground location on the premises of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of a private school or college of spotting, sponging, or pressing, or of any agency of a clothes cleaning establishment, with the written permission of the State Fire Marshal.

Fire  
nuisance

13685. No person shall maintain, permit, or allow a fire nuisance to exist upon any property or premises owned, leased, or occupied by him as a cleaning and dyeing shop or store, as a spotting, sponging, or pressing establishment, as a unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry cleaning by local application, or pressing, as an agency of any such shop, store, or establishment, or as a private school or college of spotting, sponging, or pressing, after he is notified in writing by the State Fire Marshal to remove, discontinue, or abate it.

13686. No person shall operate a service outlet or inlet in connection with a private school or college of spotting, sponging, or pressing. Service outlet or inlet

13687. Any change in the location or ownership of a shop, store, establishment, school, or college subject to the provisions of this chapter shall be reported, in writing, at the office of the State Fire Marshal within 48 hours after the change by the person who is owner after the change. Reports: Change in ownership, etc.

(Amended by Stats. 1943, Ch. 193.)

13688. The owner, operator, or manager of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry cleaning by local application, or pressing, of any agency of any such shop, store, or establishment, or of a private school or college of spotting, sponging, or pressing, shall make a detailed report to the State Fire Marshal of every fire or explosion which occurs in or upon the premises of the shop, store, establishment, agency, school, or college within 24 hours after the fire or explosion, on forms provided for that purpose. Fire or explosion reports

13689. A report of all volatile and inflammable products or substances purchased by, and delivered to the premises of, a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall be sent to the office of the State Fire Marshal every 30 days on forms furnished by the State Fire Marshal. Purchases

#### Article 6. Violations

13725. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor. Penalty

13726. A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of this chapter. The district attorney shall prosecute him until the violation is discontinued. Continued violation

13727. No person shall aid or abet the owner, manager, or operator of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of any agency of a clothes cleaning establishment, of any other agency, or the owner, manager, or instructors of a private school or college of spotting, sponging, or pressing, in violating any of the provisions of this chapter. Aiding violation

(Amended by Stats. 1939, Ch. 635, by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193.)

**Report of violations** 13728. The State Fire Marshal shall submit to the district attorney any evidence relating to:

(a) A violation of any provision of this chapter.

(b) Aiding or abetting any owner, manager, or operator of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of any agency of a clothes cleaning establishment, of any other agency, or the owner, manager, or instructors of a private school or college of spotting, sponging, or pressing to violate any provision of this chapter.

(Amended by Stats. 1939, Ch. 635, by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193.)

**Prosecution** 13729. Upon the receipt of any information relating to a violation of any provision of this chapter, the district attorney shall prosecute the violator.

(Amended by Stats. 1939, Ch. 635.)

**Exemption** 13780. The provisions of Chapters 2 and 3 of Part 2 of Division 12 of this code shall not apply to the spotting or pressing of clothing of persons while carried or employed on passenger trains which are subject in whole or in part to the jurisdiction of the Interstate Commerce Commission or the Railroad Commission of the State of California, nor to such trains in respect of such spotting and pressing; provided, that such spotting or pressing hereby exempted shall be solely as a facility available in connection with and as a part of the operation of such trains and not open or available to members of the public, or to others than the persons carried or employed on the train upon which the spotting or pressing is performed for them.

(Added by Stats. 1941, Ch. 201.)

### PART 3. FIRE PROTECTION DISTRICTS

#### CHAPTER 1. FIRE PROTECTION DISTRICTS IN UNINCORPORATED AREAS

##### Article 1. General Provisions

**"District"** 14001. "District," as used in this chapter, means a district created pursuant to this chapter or pursuant to any act which it supersedes.

**"District board"** 14002. "District board," as used in this chapter, means the board of fire commissioners of a district.

**Exemption from Stats. 1933, p. 2142** 14003. Districts formed or proposed to be formed under this chapter are not subject to any provisions of the "District Investigation Act of 1933."

(Amended by Stats. 1939, Ch. 222.)



14004. No assessment or act relating to the assessment or collection of taxes, nor any election held under this chapter, is illegal, void or voidable on account of any error, omission or informality or failure to comply strictly with the provisions of this chapter, nor on account of any misnomer. Noncompliance with chapter

14005. Any unincorporated area of this State may be organized as a fire district and may equip and maintain a fire department for the purpose of protecting property from destruction by fire. Area that may be organized

14006. Any proceeding in which the validity of the organization of a district is questioned shall be commenced within three months from the date of the first appointment of members of the district board; otherwise such organization and the legal existence of said district, and all proceedings in respect thereto, are valid and in every respect legal and incontestable. Proceedings re validity

14007. Any district which has functioned as such, or for which taxes have been collected, for a period of three years is validly organized. Organization validated

14008. Where any portion of a district less than the whole, becomes a part of any city, that fact shall not affect the organization of the district, but the district continues to function as if that portion were not a part of any city, unless the district is dissolved or all or part of such territory is withdrawn from the district pursuant to this chapter. Addition to city

14009. Any justice of the peace within the townships within which a district is situated has jurisdiction of all prosecutions under this chapter. Prosecutions: Jurisdiction

## Article 2. Petition and Hearing

14025. Fifty or more taxpayers and residents of any unincorporated area may petition the board of supervisors of the county in which the area is situated for the formation of a fire protection district. Petition

14026. The board of supervisors shall fix the time for hearing and give notice by two publications in a newspaper published in the county, if there is one, if not, by posting the notice in three public places in the county. Notice

14027. The first publication or the posting shall be not less than 10 days before the time fixed for hearing. Publication or posting

14028. Any interested person may appear at the hearing and show cause why the application should not be granted. Protests

14029. After hearing the board of supervisors may in its discretion grant the application and if it does so, shall determine the boundaries of the district. Grant of application

## Article 3. The Board of Fire Commissioners

**First commissioners** 14050. The board of supervisors shall appoint three commissioners as the board of fire commissioners of the ----- Fire District (naming district), who shall hold their office until the second Monday in April next thereafter, and until their successors are elected and qualified.

**First successors:  
Election** 14051. An election shall be held on the first Monday of April subsequent to the appointment of the district board by the board of supervisors for the election of three members who shall take office on the next succeeding Monday of the same month.

**Terms** 14052. The first elected members of the district board shall at their first meeting so classify themselves by lot that one of their number goes out of office on the second Monday of April of the year next succeeding, one on the second Monday of April of the second year succeeding, and one on the second Monday of April of the third year succeeding.

**Subsequent successors:  
Election and terms** 14053. On the first Monday of April of the year next succeeding the first election and on the first Monday of April of every year thereafter, an election shall be held for the election of one member, who shall take office on the next succeeding Monday in the same month and shall hold office for the term of three years, or until his successor is elected and qualified.

**Vacancies** 14054. Any vacancy in the office of a member elected to the board shall be filled by appointment by the board of supervisors for the period until the next general election within the district at which time a successor shall be elected to serve for the unexpired term.

**Compensation** 14055. Members of the district board shall not receive any compensation for their services as such.

## Article 4. General Powers and Duties

**Perpetual succession** 14073. The district board shall have perpetual succession.

**Contracts** 14074. It may make all necessary or convenient contracts with persons engaged in the supply and distribution of water, for a supply of water, and for attaching hydrants or fire plugs to their pipes, conduits, or cisterns.

**Equipment** 14075. The district board shall purchase and maintain all necessary and convenient engines, hose, hose carts, or carriages, and other appliances and supplies for the full equipment of a fire company or department, and appoint fire company officers and employees sufficient to maintain and operate equipment purchased for such district.

(Amended by Stats. 1939, Ch. 496.)

14076. It may adopt a seal.

Seal

14077. It may take by grant, purchase, gift, devise, or lease, and hold, use, enjoy, and lease, or dispose of real and personal property of every kind, necessary for the exercise of the powers of the district.

Property

14078. It may construct or otherwise acquire suitable fire-houses and other buildings or structures suitable for housing the equipment, apparatus and supplies of the district, or for carrying on its business and affairs. All property shall be taken and held in the name of the district.

Buildings

14079. The district board may sell, or otherwise dispose of real and personal property acquired by the district where it has ceased to be suitable for the uses of the district.

Disposition  
of property

14080. If the property was originally acquired pursuant to the vote of the voters within the district, it shall not be sold except pursuant to a like vote.

Vote

14081. The proceeds derived from the sale of land or property shall be exclusively devoted to the purchase of other land or like property for the use of the district.

Proceeds  
of sale

14082. The district board may procure all necessary books and blanks for the purpose of keeping a correct record of its proceedings; and shall keep a record of all its acts, and of all money received and disbursed by it. The books shall be open to public inspection at all times.

Books and  
records

14083. It may regulate the construction of, and order the suspension, discontinuance, removal, repair, or cleaning of, fireplaces, chimneys, stoves, and stovepipes, flues, ovens, boilers, kettles, forges or any apparatus used in any building, factory, or business, which may be dangerous in causing or promoting fires, and prescribe limits within which no dangerous or obnoxious and offensive business may be carried on.

Regulation  
of fire  
hazards

14084. It may order the clearing of land or the removal of dry grass, stubble, brush, rubbish, litter, or other inflammable material, if, in its judgment, the inflammable material endangers the public safety by creating a fire hazard. The provisions of Part 5, Division 12, of this code are made applicable to the fire protection districts organized and existing pursuant to this chapter. In the application of the provision of said Part 5, Division 12, to proceedings under this chapter, the terms "board of supervisors," or "board" when used in said Part 5, shall mean the board of fire commissioners acting under this chapter; and the officers designated in Section 14890, of said Part 5, shall mean the members of the fire department of said district.

Land  
clearance

(Amended by Stats. 1943, Ch. 644. In effect May 20, 1943.)

14085. It may adopt ordinances, within the purview of the preceding two sections, to prevent fires and conflagrations, and for the protection of property at and during any fire.

Ordinances:  
Nature



**Procedure for adoption** 14086. Each ordinance shall be signed by the members of the district board, and published in a newspaper printed in the district, or posted in three of the most public places in the district, for a period of two weeks, at the end of which time it shall become a law for the government of the inhabitants of the district.

**Violation** 14087. Every person who violates any of the provisions of a district ordinance or who falsely personates a member of the district board or any officer of a district is guilty of a misdemeanor.

(Amended by Stats. 1939, Ch. 496.)

**Peace officer powers** 14088. The district board may provide that at and during any fire the officers of the fire company or companies present shall have the powers of peace officers.

**Other powers** 14089. The district board shall do all other things proper and necessary to carry out the intent and meaning of this chapter.

### Article 5. Provisions Relating to Elections

**Elections: Generally** 14100. The district board shall call elections, appoint judges and clerks, canvass the votes, and issue certificates of election.

**Nature** 14101. Elections may be general or special.

**Notice: Publication and posting** 14102. Elections within a district may be called by the district board by posting notices of election in three of the most public places in the district for not less than 10 days before the date fixed for the election, and also, if there is a newspaper printed and published in the district, by publishing such notice in at least two issues of the paper.

**Contents** 14103. The notice shall specify the time and place for holding the election and set forth in general terms the purposes of the election.

**Precinct boards** 14104. The district board shall appoint precinct boards which shall consist of one inspector, one judge, and two clerks.

**Precincts** 14105. The district board shall designate the precincts for the election, if there is more than one, and for such purpose may consolidate any county precincts into such number as it deems advisable.

**Polling places** 14106. The district board may fix the polling place and the hours within which the polls at such election shall be open.

**Opening and closing polls** 14107. The polls shall be open either (a) for a period from not later than 8 o'clock a.m. to not earlier than 5 o'clock p.m. of the day of the election; or (b) from 1 o'clock p.m. to 6 o'clock p.m. on the day of the election.

**Registration** 14108. No new registrations shall be required.

14109. Elections shall be held in all respects as nearly as practicable in conformity with the provisions of law governing elections in cities of the sixth class. Election law

14110. The ballots used at elections on propositions shall set them forth in terms conforming to the requirements of law for elections on measures in cities. Sample ballots need not be mailed for elections on propositions. Ballots

14111. The expense of elections on propositions shall be a charge against the district. Expense

14112. The judges on each precinct board shall, within 24 hours after the election, make returns and certify to the district board the number of votes cast, and the number of votes in favor of and the number of votes against the matter voted upon. Returns

14113. The judges on each precinct board shall, within 24 hours after the election, make returns and certify the votes, and the names of the person or persons voted for, to the district board, and within five days after the returns have been received by it the district board shall count the votes, determine who has been elected, and issue certificates of election to the persons elected. Canvass of returns, etc.

## Article 6. Finance and Taxation

14150. The district board may borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or of the ensuing year thereafter. Such indebtedness shall not exceed the total amount of the estimated tax income for either the current year or the ensuing year. Indebtedness

14151. After the organization of a district, the district board shall call an election and submit to the voters residing within the district, the question whether a tax shall be levied and raised for the purpose of establishing and equipping a fire department for the district and for protecting the district from loss by fire. Tax for establishing fire department

14152. The district board shall estimate and determine the annual amount of money required for the maintenance of the fire department and report it to the board of supervisors not later than the first day of August of each year. Annual tax: Estimate of money needed

14153. The board of supervisors shall, at the time of levying county taxes, levy a tax upon all the taxable property within the district sufficient to defray the cost of the maintenance of the district, and of making other authorized expenditures in connection with the district. The taxes so levied shall be computed and entered on the assessment roll and collected at the same time and in the same manner as county taxes, and when collected shall be placed in the county treasury for the use of the district. Levy and collection

- Special taxes** 14154. A special tax may be levied upon the property within the district if authorized by a majority vote of the voters voting on the proposition for a special tax at the annual election or at a special election called by the district board for the purpose.
- Same** 14155. Special taxes are in addition to the annual maintenance tax.
- Same** 14156. A special tax may be voted for the purpose of acquiring land or erecting buildings or purchasing apparatus and equipment or buildings or for paying indebtedness of the district previously incurred.
- Tax money:** 14157. All money derived from taxes authorized to be levied  
**Custody** and collected, shall be kept by the treasurer of the county in which a district is situated, subject only to the order of the district board.
- Compensation** 14158. The treasurer shall receive no compensation for the receipt and disbursement of money of the district.
- Payment of bills, etc.** 14159. All accounts, bills, and demands against the fire department shall be audited, allowed, and paid by the district board by warrants drawn on the county treasurer. The county treasurer shall pay the warrants in the order in which they are presented.

## Article 7. Contracts With Cities

- Contracts with cities, etc.** 14200. When the respective territories of any city and any district are contiguous they may contract, for one year or more, for fire protection service by the district throughout or within part of the area of the city. Occupants of property in the vicinity of the district not included within the territory of any city or other fire protection district, and such district may contract, for one year or more, for fire protection service by the district for the property described in the contract, which such contract shall provide for fixed annual payment of agreed amount by the occupant of the property to the district to be paid in advance at the date of the making of such contract, and on the even date thereof for each subsequent year covered by the contract.  
(Amended by Stats. 1943, Ch. 644. In effect May 20, 1943.)
- Formalities** 14201. The contract shall be in writing and shall be set forth in full in the minutes of the respective governing bodies of the contracting parties and a duplicate original shall be filed with the records of the district in the office of the county clerk.
- District is independent contractor** 14202. Upon the filing of the contract the district shall be an independent contractor.
- Effect of contract** 14203. During the term of the contract, without in anywise curtailing the rights, powers and duties of the city, the area covered by the contract shall be construed as part of the district territory for all fire protection purposes under this chapter.
- Payments** 14204. At the option of the parties to the contract, in lieu of the assessment and collection of taxes by the district upon



the city area included within the district, the contract may provide for fixed payments of agreed amounts by the city to the district.

14205. Any city of the sixth class all or part of which is included within the boundaries of a district may if it desires provide for acquiring and maintaining fire fighting implements, apparatus and equipment, including water mains, hydrants and water, in addition to those acquired and maintained therein by the district. The city may defray the cost of acquiring and maintaining such additional fire fighting implements, apparatus and equipment from the general tax revenues of the city and may contract with the district regarding the acquisition, maintenance and use thereof.

City of sixth class may maintain fire fighting system

(Added by Stats. 1939, Ch. 417.)

### Article 8. Inclusion of Contiguous Territory

14225. Territory contiguous to any district and in the same county may be included in the fire limits of the district in the manner prescribed in this article.

Inclusion of contiguous territory

14226. As used in this article, "contiguous" means touch-  
at one or more points.

"Contiguous" defined

14227. Owners of real property in contiguous territory, which represents at least 51 per cent of the total assessed valuation of the contiguous territory, as shown by the last equalized assessment roll of the county in which the district is located, may petition for inclusion of the territory within the district.

Petition:  
Who may file

(Amended by Stats. 1941, Ch. 775.)

14228. The petition shall designate specifically the boundaries of the contiguous territory, its total assessed valuation and the amount and assessed value of real property owned by each of the petitioners as shown by the last equalized assessment roll of the county in which the property is situated, and shall state that the territory is not within the fire limits of any other fire district.

Contents

14229. The petition shall also be signed by the district board and shall be presented to the county board of supervisors.

Presentation

14230. The petition shall be verified by the affidavit of one of the petitioners, and notice of its filing, together with the names of owners and a general description sufficient for identification of the real property proposed to be included in the district, and a statement of the time fixed for hearing the petition, and a statement that all persons interested may appear and be heard, shall be published at least two weeks preceding the hearing, by the board of supervisors, in a newspaper of general circulation published in the county in which the district is located.

Notice

(Amended by Stats. 1943, Ch. 1022.)

- Hearing 14231. At the hearing the board of supervisors shall hear the petition and any person interested, and may adjourn the hearing from time to time.
- Boundaries 14232. Upon the hearing the board shall determine whether or not it is for the best interests of the district and of the contiguous territory that the territory be included in the fire limits of the district and may modify the boundaries of the territory proposed to be included.
- Inclusion 14233. The board of supervisors shall not modify the boundaries of the territory proposed to be included so as to exclude any real property which would be benefited by inclusion.
- Exclusion 14234. Real property which would not in the judgment of the district board be benefited by inclusion shall not be included within the boundaries of the territory proposed to be included.
- Lots or parcels 14235. The board of supervisors shall not include within the fire limits of the district any areas of land not subdivided or any lots or parcels of property containing more than five acres of land each, if the owner files objections to the inclusion of any such land within the district.
- Order 14236. If the board of supervisors upon final hearing determines that it is for the best interests of the district and the territory proposed to be included that such territory be included, it shall make an order including the contiguous territory within the fire limits of the district. The order shall describe the exterior boundaries of the contiguous territory.
- Exclusion 14237. Where any parcel of land containing more than five acres is included within the fire limits of the district, the board of supervisors, upon application of the owner, shall exclude from the district and from the taxable property of the district, all of the parcel in excess of five acres, which five acres shall include all portions of the parcel on which are situated any buildings or improvements.

#### Article 9. Withdrawal of Lands From District

- Withdrawal 14250. Any portion of a district which will not be benefited by remaining within the district may be withdrawn from the district.
- Petition 14251. A majority of the persons who are both freeholders and residents within the portions desired to be withdrawn from the district may file a petition with the board of supervisors, requesting the withdrawal of that portion from the district on the ground that the portion will not be benefited by remaining in the district.

14252. The board of supervisors shall fix a time for hearing the petition and for hearing protests to the continuance of the remaining territory as a district. The time for hearing shall not be less than 10 nor more than 30 days after the receipt of the petition. Time for hearing

14253. The board shall, at least a week prior to the time so fixed, publish a notice of hearing by one insertion in a newspaper circulated in the district, or if there is no newspaper published in the district, in a newspaper published in the county in which the district is located, and which the board deems most likely to give notice to the inhabitants of the proposed withdrawal. Notice:  
Publication

14254. The notice shall also be posted in three of the most public places within the district, one of which places shall be within the portion desired to be withdrawn, at least one week prior to the time fixed for hearing. Posting

14255. Any person interested may appear at the hearing and object to the withdrawal, or may object to the continuance of the remaining territory as a district. Objections

14256. The board of supervisors shall consider and pass upon all objections, and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining within the district, and will not serve as a fire hazard to the remaining portion of the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, then it shall grant the petition. Grant of  
petition

14257. If in the judgment of the board of supervisors the exclusion of the territory sought to be withdrawn will make further existence of the district impracticable, the board shall proceed to call an election for dissolution. Election on  
dissolution

14258. Upon the withdrawal of any territory from a district all property acquired for the district shall remain vested in the county and be used for the purposes of the district. Vesting and  
use of  
property

### Article 10. Dissolution of District

14275. Any district may be dissolved by the board of supervisors. Dissolution

14276. Fifty or more persons who are both freeholders and residents of such district, or a majority of the persons who are both freeholders and residents if there are less than 100 freeholders and residents in the district, may file with the board of supervisors a petition, requesting the dissolution of the district. Petition



- Time for hearing** 14277. The board of supervisors shall fix a time for hearing the petition, which shall not be less than 10 nor more than 30 days after the receipt of the petition.
- Notice** 14278. The board shall at least a week prior to the time so fixed, publish a notice of hearing by one insertion in a newspaper of general circulation, published in the district, or if there is no newspaper published in the district, in a newspaper published in the county in which the district is located.
- Hearing** 14279. At the time appointed for hearing, or at any time to which the hearing may be continued, the board of supervisors shall hear and pass upon such petition, and all objections to granting it which may be made by persons interested.
- Denial of petition, election** 14280. The board of supervisors may either deny the petition for dissolution or by resolution call an election upon the proposition of dissolution.
- Resolution** 14281. The resolution shall specify the date of the election, which shall be not less than 20 days after the adoption of the resolution.
- Precincts, etc.** 14282. The resolution shall designate one or more precincts within the district, and shall designate a polling place in each precinct, together with the names of the election officers, who shall be one inspector, one judge, and one clerk, in each precinct.
- Election law** 14283. In all other particulars not recited in the resolution, the election shall be held as provided by law for holding general elections in the county and any resident of the district who would be entitled to vote at a general election held at the same time may vote.
- Notice** 14284. No notice of the election other than the publication and posting of the resolution pursuant to this article, need be given.
- Publication** 14285. The resolution ordering the election shall be published once a week for two successive weeks prior to the date of election, in a newspaper of general circulation published in the district, or if there is no newspaper published in the district, in a newspaper published in the county in which the district is located, and deemed by the board of supervisors to be most likely to give notice of the election to the voters.
- Posting** 14286. The resolution shall also be posted in three of the most public places within the district at least 10 days prior to the date of election.
- Ballots** 14287. The ballots used shall state in substance the following proposition: "Shall the-----Fire District in-----"

County (stating the name of the district and the name of the county in which the same is located) be dissolved?", and opposite the proposition as so stated shall be printed the words "Yes" and "No" together with voting squares.

14288. If, at the election, a majority of the votes cast are in favor of dissolution the board of supervisors shall enter a finding to that effect upon its minutes and thereafter, the district is dissolved. Result of election

14289. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city; and the property of the district without the corporate limits of any city vests absolutely in the county within which the district was situated. Vesting of property

14290. All the funds of the district remaining on hand shall be divided between any city and the county in the proportion that the total assessed value of the real property of the territory of the district in the city and without the city bears to the total assessed value of the real property within the district prior to dissolution. The assessed value shall be determined according to the last prior equalized assessment roll of the county. Disposition of funds

14291. The county shall use the property and funds reverting to it upon dissolution for general fire protection purposes throughout the county. Use of property

### Article 11. Reorganization

14300. Any district organized or reorganized under the act which this chapter supersedes, may be reorganized as a district under this chapter. Reorganization

14301. Fifty or more taxpayers and residents of a district and a majority of the district board, if any, may petition the board of supervisors of the county in which the district is situated for reorganization. Petition:  
Who may file

14302. The petition shall be verified by at least one of the petitioners, and shall set forth the boundaries and name of the district and pray that the district be reorganized under this chapter. Contents

14303. The petition shall be published for at least two weeks preceding the hearing in a newspaper of general circulation published in the county, with a notice stating the time when the petition will be heard and that all persons interested may appear and be heard. Notice

14304. At the time fixed for hearing the board of supervisors shall hear the petition. Hearing

**Boundaries:** 14305. The board shall not modify the boundaries of the district as set forth in the petition so as to exclude from the district any land which would be benefited by the reorganization of the district under this chapter, nor shall any lands which would not in the judgment of the board be benefited by the reorganized district be included within the district.

**Lots or parcels** 14306. The board of supervisors shall not include within the district any area of land not subdivided or any parcel of land containing more than five acres, if its owner objects in writing to the inclusion of such land within the proposed district.

**Order** 14307. If the board of supervisors finds that the statements in the petition are correct it shall make an order describing the exterior boundaries of the territory included within the district as determined by the board and shall order that the territory be organized as a district under this chapter.

**Effect of order:** 14308. From and after the making of the order, the district is organized under this chapter with all the powers conferred in this chapter.

**Identity** 14309. Any district reorganized under this article is, for all purposes, the identical district theretofore formed and existing.

**Title to property, etc.** 14310. The reorganization shall not affect or impair the title to any property owned or held by, or in trust for, the district, or any debts, demands, liabilities, or obligations existing in favor of or against the district, or any pending proceedings.

**Validity of title, etc.** 14311. Any and all such titles, debts, demands, liabilities, obligations, and proceedings shall have the same validity, force and effect as if acquired, incurred, accrued, or taken while the district was organized under the provisions of this chapter.

**Ordinances** 14312. Reorganization shall not operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, nor to discharge any person from any liability then existing for any violation of such ordinance. Such ordinances, so far as they are not in conflict with general laws shall remain in force until repealed or amended by competent authorities.

**Proceedings** 14313. After reorganization, proceedings theretofore commenced shall be conducted in accordance with this chapter.

**Legality of existence** 14314. The legality or existence of a district reorganized as provided for in this chapter shall not be affected by reason of any defect or illegality in the formation of the previously



formed district. It is the intention of this article to provide a procedure for the reorganization of all districts as may not have legal existence.

## CHAPTER 1A. METROPOLITAN FIRE PROTECTION DISTRICTS

(Chapter 1a added by Stats. 1939, Ch. 836.)

### Article 1. General Provisions

14325. Any city or cities, county or counties, or combination thereof, or portions of either or both, or combinations thereof, may be formed into a metropolitan fire protection district. Area that may be organized

(Added by Stats. 1939, Ch. 836.)

14326. The purposes for which a district may be formed are: Purposes

(a) The prevention and extinguishing of fires on brush covered or forest covered lands within the district.

(b) The acquisition, construction, and maintenance of roads, water pipelines, fire hydrants, water tanks, pumping plants, reservoirs, firebreaks, trails, and other works necessary or convenient for the prevention and extinguishing of fires.

(c) The issuance of bonds and the payment thereof and interest thereon and the expenditure of money raised thereby for carrying out the purposes for which the district is established.

(Added by Stats. 1939, Ch. 836.)

14327. As used in this chapter:

“County” includes city and county. Definitions

“Legislative body” means the board of supervisors of a county, the city council or board of trustees of a city, and includes any body exercising the functions of the foregoing by whatever name it may be called. “County”  
“Legislative body”

“Initiating body” means the legislative body with or by whom proceedings under this chapter are initiated. “Initiating body”

“Main county” means the county in which the district lies, and if the district lies in more than one county, the main county is the one in which the greatest portion of the district lies. “Main county”

“District” means a district organized pursuant to this chapter. “District”

(Added by Stats. 1939, Ch. 836.)

### Article 2. Resolution of Intention

14330. Any legislative body may adopt a resolution declaring its intention to form a metropolitan fire protection district under this chapter. Resolution of intention to form

(Added by Stats. 1939, Ch. 836.)

Contents 14331. The resolution of intention shall contain all of the following:

(a) The name of the proposed district.

(b) A description of the boundaries of the proposed district which may be by reference to any publicly filed or recorded map.

(c) A description of what is proposed to be done by the district, which may refer to a plan on file with the initiating body.

(d) An estimate of the cost of improvements proposed to be made, acquired, constructed, or otherwise accomplished.

(e) An estimate of the annual cost of maintenance of the improvements and of the district.

(f) A statement that bonds are proposed to be issued for such improvements, and the maximum amount of the bonds.

(Added by Stats. 1939, Ch. 836.)

Copy to each legislative body 14332. A copy of the resolution of intention shall be forwarded immediately to the clerk of the legislative body of each city or county, all or any portion of which is proposed to be included in the district. The clerk shall present the resolution to the legislative body.

(Added by Stats. 1939, Ch. 836.)

Adoption or rejection by each legislative body 14333. Each legislative body to whom the resolution is presented shall, at its next regular meeting or at a special meeting prior thereto called for the purpose, adopt or reject the resolution and the clerk thereof shall transmit a statement of the action to the initiating body. Such statement shall be filed within 60 days after the adoption of the resolution by the initiating body.

(Added by Stats. 1939, Ch. 836.)

Effect of rejection 14334. If the legislative body of any county or city rejects the resolution, no proceedings shall be had thereunder as to that county or city pursuant to this chapter, until its legislative body shall have rescinded its action and adopted the resolution. A resolution may, however, be adopted by a city within a county, despite the rejection by the legislative body of the county.

(Added by Stats. 1939, Ch. 836.)

Notice 14335. Within 30 days after the expiration of the time for filing the statement of adoption or rejection, the clerk of the initiating body shall notify the clerk of each legislative body adopting the resolution to publish or post notice of hearing on the resolution and protests thereon at a time and place to be fixed by the clerk of the initiating body. Publication or posting of notice shall be completed not less than 10 days prior to the date of hearing.

(Added by Stats. 1939, Ch. 836.)

14336. The clerk of the legislative body of each city affected shall publish notice of the resolution and the time and place of hearing in at least one issue in a newspaper of general circulation printed and published in the city. Publication

(Added by Stats. 1939, Ch. 836.)

14337. The clerk of the legislative body of each county affected shall publish notice of the resolution and the time and place of hearing in at least one issue in some newspaper of general circulation printed and published in the county and circulated within the portions of the county in the proposed district not included within cities in the proposed district. If no portion of the proposed district within the county is included within a city no notice is required by this section. Same

(Added by Stats. 1939, Ch. 836.)

14338. In case no such newspaper exists or if one exists, it is not qualified to publish the notice, notice shall be given by the clerk by posting in three public places within the city, county, or area affected, as the case may be. Posting

(Added by Stats. 1939, Ch. 836.)

14339. The clerk of the initiating body shall prescribe a form of notice which shall include a brief description of the purposes of the formation of the district and which may refer to the resolution of intention for further details. The expense of publication or posting shall be paid by the legislative body the clerk of which publishes or posts the notice. Form of notice

(Added by Stats. 1939, Ch. 836.)

### Article 3. Hearing and Protest

14340. Any person objecting to the formation of the district, the boundaries thereof, or any other matter connected therewith, may file a written protest not less than 72 hours prior to the time fixed for hearing. The protest may be filed either with the clerk of the initiating body or with the clerk of the legislative body of the city or county affected which is the residence of the person protesting. If a protest is filed with a clerk other than the clerk of the initiating body the protest shall be transmitted immediately to the initiating body. Protest

(Added by Stats. 1939, Ch. 836.)

14341. At the time and place of hearing, the initiating legislative body shall consider all protests and hear witnesses and take evidence thereon. The hearing may be adjourned from time to time and from place to place, but not for a greater period than 30 days in all. Hearing

(Added by Stats. 1939, Ch. 836.)

14342. At the hearing the initiating body shall determine the boundaries of the district, and shall exclude from Determination of boundaries



the proposed district all of the areas within the jurisdiction of legislative bodies which have rejected the resolution. The initiating body may exclude any other part of the proposed district if it finds that said part will not be benefited by being a part of the proposed district.

(Added by Stats. 1939, Ch. 836.)

Same 14343. At the hearing the initiating body may include in the proposed district areas not included therein by the original resolution of intention, if the owners of all of the real property so included assent thereto in writing, and if the legislative body or bodies having jurisdiction over the area or areas also assent to such inclusion. Such assents shall be obtained and filed within 30 days after the original date of hearing.

(Added by Stats. 1939, Ch. 836.)

Formation 14344. In the event the initiating body, after hearing, determines that the proposed district should be formed with the boundaries as fixed and determined pursuant to this article it shall declare the district established. If the district is not so established, no proceedings shall be instituted for the formation of a district under this chapter covering all or any part of the same area until six months have elapsed after the final determination of the first proceeding.

Failure  
to form

(Added by Stats. 1939, Ch. 836.)

#### Article 4. Election on Issuance of Bonds

Bond election 14345. At any time after the establishment of a district, the initiating body may adopt a resolution calling an election within the district upon the issuance of bonds. The amount of the bonds to be issued shall not exceed the amount specified in the resolution of intention.

(Added by Stats. 1939, Ch. 836.)

Resolution 14346. The resolution calling an election shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate of interest to be paid thereon, the nature of the proposed works or improvements, the estimated amount of all expenses incidental to or connected with the proposed works or improvements, and the amount of money, if any, available as contributions to such improvements from any public source whether Federal, State, or local.

(Added by Stats. 1939, Ch. 836.)

Notice 14347. Notice of election shall be given by the initiating body at least 30 days prior to the election by publication in at least one newspaper of general circulation circulated within the district. Publication, if in a daily paper, shall be in at least six consecutive issues, and if in a weekly paper, shall be in at least two consecutive issues. The initiating body may give such other notice as it sees fit.

(Added by Stats. 1939, Ch. 836.)

14348. The initiating body shall establish precincts within the district and designate polling places within such precincts. In all particulars not inconsistent herewith the general law governing elections shall apply to an election under this article. (Added by Stats. 1939, Ch. 836.) Procedure

14349. The initiating body shall fix the date of election, which may be consolidated with any other special or general election, and shall appoint all necessary officers and provide all necessary facilities for the bond election. The initiating body shall fix the hours during which the polls are to be open. (Added by Stats. 1939, Ch. 836.) Date, hours

14350. At the election any qualified and registered elector residing within the district may vote. If at the election a majority of the voters, voting thereat, shall vote in favor of the issuance of bonds, the initiating body is thereupon authorized to issue the bonds. (Added by Stats. 1939, Ch. 836.) Who may vote. Majority required

## Article 5. Bonds

14351. Bonds issued pursuant to this chapter shall be issued as follows: Bonds

(a) A part to be determined by the initiating body, which shall be not less than one-fortieth of the whole amount of the indebtedness, shall be payable annually at a date and place specified. Annual payments

(b) The date of the first bonds maturing may, in the discretion of the initiating body, be postponed not more than five years from the date of issuance. Date of payments

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on issuance of such bonds. Interest

(d) The denomination of the bonds shall be fixed by the initiating body, but shall not be less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) each. Denominations

(e) The bonds shall be signed by the chairman or other presiding officer of the initiating body and by the treasurer of the main county. Signatures may be facsimile by use of an engraved or lithographed signature. Signatures

(f) Interest coupons shall be numbered consecutively and signed by the treasurer of the main county, in like manner as the bonds. Coupons

(Added by Stats. 1939, Ch. 836.)

14352. Such bonds shall be sold by or on behalf of the initiating body for not less than the face value thereof. (Added by Stats. 1939, Ch. 836.) Selling price

**Signatures** 14353. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon.

(Added by Stats. 1939, Ch. 836.)

**Proceeds** 14354. The proceeds of sale of all bonds so issued shall be deposited with the treasurer of the main county, and shall be withdrawn therefrom only upon the order of the initiating body or pursuant to its directions and only for the carrying out of the purposes of this chapter for which the district is organized.

(Added by Stats. 1939, Ch. 836.)

### Article 6. Revenue and Taxation

**Determination of amount needed** 14355. The initiating body shall annually determine the amount of money to be provided for the district for the ensuing fiscal year and shall certify the amount to the legislative body of the main county. The amount shall be sufficient to pay the principal and interest on outstanding bonds according to their tenor and the costs of maintenance of the district.

(Added by Stats. 1939, Ch. 836.)

**Apportionment** 14356. The legislative body of the main county shall apportion to the several counties the amount to be raised by taxation in each, which apportionment shall be based upon the area of land within the district lying in the several counties.

(Added by Stats. 1939, Ch. 836.)

**Tax levy** 14357. The legislative body of each county in which all or any portion of the district lies shall annually levy a tax upon all of the real property, exclusive of improvements, within the district and within the county, in an amount sufficient to raise the sum required to be raised in such county for the district.

(Added by Stats. 1939, Ch. 836.)

**Sinking fund** 14358. If the payment of the first installment of bonds is postponed for five years or any portion thereof, the tax shall nevertheless be collected beginning the first year and the amounts thereof accumulated as a sinking fund.

(Added by Stats. 1939, Ch. 836.)

**Rate** 14359. The legislative body of the county collecting the tax shall, in fixing the rate of the tax, allow not to exceed 15 per cent for anticipated delinquencies.

(Added by Stats. 1939, Ch. 836.)

**Manner of collection** 14360. The tax shall be collected in the same manner and at the same time as other county taxes.

(Added by Stats. 1939, Ch. 836.)



14361. All sums collected as such tax shall be deposited with the treasurer of the main county, and shall be paid out only upon the order of the initiating body or pursuant to its direction.

(Added by Stats. 1939, Ch. 836.)

### Article 7. Powers of District

14365. The initiating body shall be the governing body of the district and shall make all contracts on behalf of the district.

(Added by Stats. 1939, Ch. 836.)

14366. All contracts for construction, completion, maintenance, or for labor, materials, or supplies, shall be let to the lowest responsible bidder.

(Added by Stats. 1939, Ch. 836.)

14367. The initiating body may require such bonds as it deems desirable as a condition to the filing of a bid or the granting of a contract.

(Added by Stats. 1939, Ch. 836.)

14368. The initiating body shall advertise for bids by advertising in two or more newspapers of general circulation printed and published in the district.

(Added by Stats. 1939, Ch. 836.)

14369. The initiating body, in lieu of calling for bids, may do any act or work itself in the manner provided by law.

(Added by Stats. 1939, Ch. 836.)

14370. The initiating body shall have all powers necessary or requisite for carrying out the purposes for which the district was formed.

(Added by Stats. 1939, Ch. 836.)

### Article 8. Alternative Method

14375. This chapter provides an alternative procedure for organizing and operating a fire protection district and shall not affect any other law providing for fire protection districts. When, however, a district is organized pursuant to this chapter, the provisions of this chapter, and none other, shall apply to such districts.

(Added by Stats. 1939, Ch. 836.)

(Chapter 1a added by Stats. 1939, Ch. 836.)

## CHAPTER 2. COUNTY FIRE PROTECTION DISTRICTS

### Article 1. General Provisions

14400. Any portion of a county composed of unincorporated territory and not including any forest land protected

by the State Board of Forestry or in a manner approved by the State Board of Forestry, may be formed into a county fire protection district pursuant to this chapter.

Inclusion  
of sixth  
class cities

14401. Any city of the sixth class adjacent to a fire protection district may be embraced and included in a district upon adoption of an ordinance by the governing body of the city declaring its intention and desire to be embraced and included within the district, and the filing of a certified copy of the ordinance with the Secretary of State and with the board of supervisors of the county within which the district is located.

Same

14402. From and after such filings the city is a part of the district.

"District"

14403. "District," as used in this chapter, means a fire protection district created pursuant to this chapter or pursuant to any law which it supersedes.

"Board"

14404. "Board," as used in this chapter, means the board of supervisors of the county in which the district is situated.

Exemption  
from  
Stats. 1933,  
p. 2142

14405. A district formed or proposed to be formed under this chapter is not subject to any provisions of the "District Investigation Act of 1933."

(Amended by Stats. 1939, Ch. 222.)

Use of  
apparatus  
outside  
district

14406. Whenever a fire occurs within the limits of any district and is of such proportions that it can not be adequately handled by the fire department of the district, or whenever a fire occurs in any unincorporated territory of a county not included within a district, the apparatus, equipment and fire fighting force of any district within the county may be used for the purpose of extinguishing the fire.

14407. (Repealed by Stats. 1943, Ch. 158.)

## Article 2. Notice and Hearing

Determi-  
nation

14410. The board of supervisors of any county may determine that a portion of the unincorporated territory of the county is in need of fire protection and should be formed into a fire protection district.

Notice:  
Publication

14411. The board shall fix a time and place for a hearing of the matter of the formation of the district and shall direct the clerk of the board to publish a notice once a week for two

successive weeks in a newspaper of general circulation circulated in the territory which it is proposed to organize into a fire protection district, which the board deems most likely to give notice to the inhabitants of the proposed formation of the district.

14412. The board shall direct the clerk to cause the notice to be posted in three public places in the territory, at least 10 days prior to the date set for hearing. Posting

14413. The notices shall be headed "Notice of the proposed formation of ----- County Fire Protection District in ----- County (stating the name of the proposed district and the name of the county in which the proposed district is to be located)." In the notice as posted, the heading shall be in letters of not less than one inch in height. Heading of notice

14414. The notice as published and posted shall state that the board has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a county fire protection district. Contents

14415. The notice shall set forth the exterior boundaries of the territory proposed to be organized into a district. The boundaries, so far as practicable, shall be the center lines of highways. Same

14416. At any time prior to the time fixed for hearing, any person interested may file with the clerk written objections to the formation of the district. Objections

14417. At the hearing, or at any time to which it may be continued, the board shall consider and pass upon all written objections filed. Hearing

14418. If the board overrules the objections, it shall hear any person having objection to the inclusion of any territory within the proposed district, and may exclude any territory which would not be benefited by incorporation within the district. Exclusion of territory

14419. At the conclusion of the hearing, the board may abandon the proposed establishment of a county fire protection district, or may decide to establish a district. Determination

### Article 3. Election on Formation

14425. If the board decides to establish a district the board shall, by resolution, provide for and order the holding of a special election within the proposed district, and the submission to its qualified electors, of the proposition of forming the district. Formation election: Resolution



**Contents of resolution** 14426. The resolution shall describe the boundaries of the proposed district as set forth in the notice of the proposed formation or as they may have been modified by the exclusion of territory.

**Same** 14427. The resolution shall:

(a) Set forth the date of election which shall be at least 20 days after the adoption of the resolution.

(b) Designate one or more precincts within the boundaries of the proposed district.

(c) Designate a polling place in each precinct, and the names of the election officers who shall be one inspector, one judge and one clerk for each precinct.

**Election law** 14428. In all other particulars not recited in the resolution, the election shall be held as provided by law for holding general elections in the county, except that no notice of election other than the publication and posting of the resolution need be given.

**Publication** 14429. The resolution ordering the holding of the election shall be published once a week for two successive weeks prior to the date set for the election, in the newspaper of general circulation circulated within the proposed district deemed by the board to be the most likely to give notice to the electors of the proposed election.

**Posting** 14430. The resolution shall also be posted in three of the most public places within the proposed district at least 10 days prior to the date set for the election.

**Ballots** 14431. The ballots at the election shall state in substance the following proposition: "Shall the ----- County Fire Protection District be established," and opposite and to the right of the proposal, shall be printed the words "Yes" and "No," together with voting squares.

**Result** 14432. If a majority of the votes cast are in favor of the establishment of the district, the board shall enter a finding to that effect upon its minutes and thereafter the district is established and organized as a county fire protection district.

#### Article 4. Powers and Duties of the Board

**Rules and regulations** 14440. The board is the governing body of the district and may make and enforce all rules and regulations necessary for the administration and government of the district, for the furnishing of fire protection to, and for the elimination of fire hazards in, the district.

**Agents and employees** 14441. The board may appoint agents and employees for the district sufficient to maintain and operate the property acquired for district purposes and to police the district.

14442. The board may clear any or all town lots, homesites, villa lots, or lands immediately adjacent within the district of dry grass, weeds, stubble, brush, rubbish, litter, or other inflammable material. Inflam-  
matory  
material

14443. The board may acquire real or personal property needful for district purposes and dispose of it when no longer needed. Property

14444. The board may construct any needed structures. Construction

14445. The board may perform all other acts necessary or proper to accomplish the purposes of this chapter, and not inconsistent with its provisions. Powers  
generally

14446. The board may, by resolution, adopt the provisions of any charter of the county relating to civil service, and may also adopt the rules, regulations and procedures of any civil service commission of the county as they may exist at the time of the adoption of the resolution or may thereafter be changed or amended. Civil service

14446.5. In adopting the charter provisions of any county relating to civil service and the rules, regulations, and procedure of any civil service commission of the county, the board may, in its resolution of adoption, provide for either of the following: Civil service

(a) That the employees of the district shall submit to the examinations required by such charter, rules, regulations, and procedure;

(b) That all district employees, with the exception of those holding temporary appointments, in the employ of the district at the time the resolution is adopted shall continue to serve in their respective positions without examination, subject to such changes in classes or grades of positions as may be made by the civil service commission in the exercise of its powers, or as may be provided by law.

(Added by Stats. 1939, Ch. 219.)

14447. The members of any civil service commission and the officers, attaches and employees of any civil service department of the county are ex officio the civil service commission and civil service department of the district. Commission,  
department

14448. The commission and the members of the department shall perform the same duties for the district as they perform for the county without additional compensation, except that the commissioners shall be reimbursed by the district for any necessary additional expenses incurred by them by reason of their performance of duties for the district. Compensation

Cost 14449. The cost to the county for the performance of the duties by the civil service commission or civil service department for the district shall be reimbursed to the county by the district.

Where more than one district 14450. In any county in which there is more than one district, the board may, by the adoption of a single resolution, designate all or any one of the districts to which such civil service rules, regulations and procedures shall apply, and when the resolution has been adopted by the board such rules, regulations and procedures are applicable to the named districts until the electors of the district, by a majority vote, instruct the board to remove the district from the operation of the rules, regulations and procedures of civil service.

Civil service 14450.5. In any county where there is more than one district, the board may, by the adoption of a single resolution, instruct the civil service commission, or department, of any county, to hold one examination for the combined districts within any such county for each rank of candidates, to establish one eligible list, and permit qualified candidates to transfer from one district to another for appointment.

(Added by Stats. 1941, Ch. 205.)

Employees' status 14451. This article does not make the employees of any district employees of the county.

Acceptance of donations or contributions 14452. The board may accept donations or contributions of any kind or nature made to the district; and may expend any funds donated or contributed to the district in furtherance of the purposes of this chapter.

(Added by Stats. 1939, Ch. 381.)

Commissioners to act as agents for board 14453. The board may, by resolution or order entered upon its minutes, appoint five commissioners to act as its agents in managing the affairs of the district and in exercising any or all of the powers vested in it. Commissioners so appointed shall:

(a) Hold office at the pleasure of the board and serve without compensation.

(b) Elect one of their number president and another secretary.

(c) Hold meetings periodically and as often as the business of the district may require.

(Added by Stats. 1939, Ch. 381.)

#### Article 4.5. Commissioners

(Article 4.5 added by Stats. 1939, Ch. 218.)

Commission 14455. The board of supervisors may, by resolution or order entered upon its minutes, appoint a commission of five commissioners to manage the affairs of the district.

(Added by Stats. 1939, Ch. 218.)



14455.1. The commissioners shall hold office at the pleasure of the board. They shall serve without compensation, but may be paid their actual and necessary traveling expenses while on the business of the district. Term Compensation

(Added by Stats. 1939, Ch. 218.)

14455.2. Commissioners appointed shall organize by electing one of their number president, and by electing a secretary, who need not be a commissioner, and who may or may not be compensated for his services. Officers

(Added by Stats. 1939, Ch. 218.)

14455.3. The commission shall keep a record of its proceedings and of the receipts and disbursements of the district. Records

(Added by Stats. 1939, Ch. 218.)

14455.4. The commission has the same power as the board to make and enforce rules and regulations relating to fire prevention or fire fighting within the district. Rules and regulations

(Added by Stats. 1939, Ch. 218.)

14455.5. The commission may enter into contracts with cities or other fire protection districts regarding the joint use of fire apparatus and equipment. Contracts

(Added by Stats. 1939, Ch. 218.)

14455.6. The commission may appoint one or more fire chiefs, assistants, and regular or volunteer firemen, and pay them with warrants or claims drawn upon the funds of the district. Employees

(Added by Stats. 1939, Ch. 218.)

14455.7. The commissioners, and any fire chiefs, assistants, and regular or volunteer firemen appointed by them, have the same authority and are subject to the same laws as the members of any city or other fire department in respect to trespass, the setting of backfires, policing, and the use of special equipment on automobiles. Powers and liabilities

(Added by Stats. 1939, Ch. 218.)

## Article 5. Ordinances of the Board

14460. The board of supervisors as governing body of any district may adopt such ordinance or resolution as it may deem proper to prevent fires and conflagrations. Ordinances and resolutions

14461. The ordinance or resolution shall be signed by the members of the board and published in a newspaper printed in the district, or posted in three of the most public places, for a period of two weeks, at the end of which time it is a law for the government of the inhabitants of the district. Execution, publication, posting

Provisions: 14462. The ordinance or resolution may provide for and  
Cleaning of require the cleaning of town lots, homesites, villa lots, or  
premises lands immediately adjacent within the district of dry grass,  
weeds, stubble, brush, rubbish, litter, or other inflammable  
material.

Failure of 14463. The ordinance or resolution may authorize the  
owner to proper authorities to enter upon and clean such premises upon  
clean default of the owner to clean them after due notice and warn-  
ing, and to collect the cost of cleaning by adding the cost to  
the taxes assessed to the owner.

Notice and 14464. The ordinance may provide that posting of notice  
warning: and warning to remove inflammable material in a conspicu-  
Posting ous place on the premises affected for a period of not less  
than five days before the meeting of the board at which it  
authorizes the cleaning of the premises by the proper authori-  
ties and the assessing of the cost to the owner of the premises,  
is sufficient notice and warning.

Manner of 14465. The ordinance shall specifically set forth the man-  
giving, ner and form of giving notice and warning, and shall pro-  
hearing vide for a hearing and protest of the owner of the premises  
before the board.

Submission 14466. The board may submit the ordinance or resolution  
to electors to the electors of the district for approval or rejection, upon  
such notice and at such special or general election, as it deems  
proper.

## Article 6. Duties of Division of Forestry

Supervision 14470. The Chief of the Division of Forestry, with the  
by Chief, approval of the Director of the State Department of Natural  
Division of Resources shall upon the written request of any county board  
Forestry of supervisors exercise a general supervision over and make  
and enforce all necessary and proper rules and regulations  
relating to the following:

(a) The type and nature of all fire prevention and fire fighting implements and apparatus purchased by any district and its location in the district.

(b) The maintenance and upkeep of all implements and apparatus purchased by the district.

(c) The maintaining and increasing of the efficiency of the fire prevention and fire fighting organization of the district.

(d) The reporting of cause, extent, and damage resulting from each fire within the district.

Boundaries 14471. The board shall upon the request of the Chief of  
and map the Division of Forestry provide him with an accurate descrip-  
tion of the boundaries of each district within the county and a map on which the boundaries are plainly and accurately delineated.

## Article 7. Finance and Taxation

14480. The board shall levy a tax each year upon all tax-<sup>Annual tax</sup>able property, real, personal or mixed in each district sufficient to defray the cost of maintenance and to meet such other expenditures as are authorized.

(Amended by Stats. 1939, Ch. 418.)

14480.1. The board may determine the amount of the tax<sup>Amount of tax</sup> to be levied upon property within the incorporated areas of the district and the amount of the tax to be levied upon property within unincorporated areas of the district. The tax levied within incorporated areas of the district may be sufficiently higher than that levied in unincorporated areas to defray costs of acquiring and maintaining fire fighting implements, apparatus, and equipment, including water mains, hydrants and water, which are provided for and usable solely in protecting property within the incorporated area from loss or damage by fire.

(Added by Stats. 1939, Ch. 418.)

14481. The tax shall be levied and collected at the same<sup>Levy and collection</sup> time and in the same manner as taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this chapter with respect to the district within which collected and for no other purpose.

14482. If any taxes are collected pursuant to this chapter,<sup>Refunds</sup> and it is subsequently determined by a court of competent jurisdiction that the district was not legally formed or created by reason of a failure to comply with any provision of this chapter, any person who has paid taxes levied pursuant to this chapter is entitled to a return of any taxes so paid upon the filing of a verified claim or demand for refund with the board of supervisors of the county in which the district lies, within six months after the time it is finally determined that the attempted formation of the district was ineffectual or invalid if any proceeds of the tax are on hand in the county treasury.

14483. At the expiration of the time within which claims<sup>Division of funds</sup> for refunds may be made, all money then on hand shall be divided between the county in which the district is located, and any cities which may have within their corporate limits any of the territory embraced within the boundaries of the district declared invalid, in such proportion as the area of the district lying within the county and city, respectively, bears to the entire area of the district.

14484. Any funds so divided shall be used by the city or<sup>Use of funds divided</sup> county, as the case may be, to which apportioned, for fire protection purposes only.



Warrants: 14485. All warrants for the payment of any indebtedness of a district which are unpaid for want of funds, shall bear 7 per cent interest from the date of registry as unpaid with the county treasurer.

Amount 14486. The amount of such warrants shall not exceed the income and revenue provided for the year in which the indebtedness was incurred.

### Article 8. Title to Property

Title to property 14500. The title to all property acquired for a district is vested in the county in which the district is located.

On annexation to one city 14501. Whenever all of the territory in a district is annexed to, or otherwise included within, any city, the district is dissolved and its property becomes the property of the city.

Transfer of funds 14502. All money in the county treasury to the credit of the district or of any district fund, shall be transferred to the treasury of the city and shall be used for the purposes for which it was available prior to the transfer and none other.

Outstanding liabilities 14503. Upon such annexation or inclusion, the city becomes liable for all outstanding liabilities of the district incurred prior to its dissolution.

On annexation to two or more cities 14504. Whenever all of the territory of a district is annexed to, or otherwise included within, two or more cities, the district is dissolved, and the board shall apportion the property of the district and its unexpended funds between the cities in proportion to the respective assessed valuations of the property annexed to each city.

Outstanding liabilities 14505. Upon such annexation or inclusion each city becomes liable for its proportion, computed as above, of all the outstanding liabilities of the district incurred prior to its dissolution.

Sale of property 14506. Any property or equipment of the district not capable of apportionment may be sold at public auction as in the case of other county property not required for public use and the proceeds of sale shall be apportioned between the respective cities as above provided.

### Article 9. Annexation

Determination 14510. At any time after the establishment of a district the board may determine that territory, whether or not it is contiguous to the district, should be annexed to the district.

14511. The board shall fix a time and place for the hearing of the matter of the annexation and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper circulated in the territory which it is proposed to annex which the board deems most likely to give notice to the inhabitants of the territory. Notice:  
Publication

14512. The notice shall be headed "Notice of the proposed annexation of territory to the ----- County Fire Protection District in ----- County," stating the name of the district and county, and shall contain a statement of the time and place for hearing on the matter. Contents

14513. The notice shall designate the territory proposed to be annexed. Same

14514. At the time and place of hearing, or at any time to which it is continued, the board shall hear any person objecting to the annexation or objecting to the annexation of any portion of the territory. Objections

14515. At the conclusion of the hearing the board may refuse to annex any territory to the established district or it may include all or a portion of the territory proposed to be annexed. If the board determines to annex any territory it shall so declare by resolution and thereupon the territory is annexed to the district for all purposes of this chapter. Refusal  
  
Resolution

### Article 10. Consolidation

14525. At any time after the establishment of two or more districts in any county, the board may determine that any two or more of the districts, whether or not they are contiguous, should be consolidated. Determi-  
nation

14526. The board shall fix a time and place for hearing the matter of consolidation of the districts and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper or newspapers circulated in each of the districts which it proposes to consolidate, and which the board deems most likely to give notice to the inhabitants of the districts. Notice:  
Publication

14527. The notice shall be headed "Notice of the proposed consolidation of ----- County Fire Protection District and ----- County Fire Protection District," stating the names of the districts proposed to be consolidated and shall contain a statement of the time and place fixed by the board for hearing the matter. Contents

14528. The notice shall state that it is proposed to consolidate into one district all of the territory within the named districts. Same

**Objections** 14529. At the time and place fixed for hearing or at any time to which the hearing may be continued, the board shall hear any person objecting to the consolidation.

**Refusal or order** 14530. At the conclusion of the hearing the board may refuse to consolidate any of the districts or it may order the consolidation of any or all of the districts proposed to be consolidated.

**Resolution** 14531. If the board determines to consolidate any of the districts it shall so declare by resolution stating the name by which the consolidated district shall be known.

### Article 11. Withdrawal Upon Inclusion in City

**Withdrawal** 14540. Except as to cities of the sixth class whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall be withdrawn from the district.

**Exception** 14541. If any portion of a district is included by incorporation, annexation, or otherwise, within a city of the sixth class, the territory nevertheless remains a portion of the district unless and until the board determines, upon a hearing held for that purpose, that the territory of the district not included within the city will benefit by remaining as a district.

**Resolution** 14542. If it is desired that the portion of the district included within the boundaries of a city of the sixth class be withdrawn from the district, the governing body of the city shall, by resolution, request the board to fix a time and place for a hearing on the question of withdrawal.

**Designation of boundaries** 14543. The resolution shall designate the exterior boundaries of that portion of the district within the city.

**Notice: Publication** 14544. Notice of hearing shall be given by the board by publication by one insertion in a newspaper circulated in the district which the board deems most likely to give notice to the inhabitants of the proposed withdrawal.

**Posting** 14545. The notice also shall be posted in three public places within the district, one of which shall be within that portion of the district within the city.

**Objections** 14546. A person interested may appear at the hearing and object to the withdrawal, or may object to the continuance of the remaining territory as a district, and the board shall consider and pass upon all objections.

**Order** 14547. If the board finds that the portion of the territory of the district not included within the city will be benefited by



continuing as a district after the withdrawal then it shall grant the request and by an order entered upon its minutes alter the boundaries of the district to exclude the portion lying within the city.

14548. No withdrawal of territory becomes final unless and until any contract for furnishing water to the district has expired or has been canceled or modified, with the consent of the parties, so that the district is relieved of the obligation to pay for future water supply within the territory withdrawn. Water contract

14549. Upon the withdrawal of any territory of a district all property acquired for the district and all funds remaining on hand shall be divided between the city and the remaining district in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining. Division of funds and property

### Article 12. Withdrawal Upon Petition

14560. Any portion of a district which will not be benefited by remaining within the district, may be withdrawn from it. Withdrawal

14561. Fifty or more freeholders within the portion desired to be withdrawn from the district, or a majority of such freeholders, if there are less than 100 freeholders within the portion sought to be withdrawn, may file a petition with the board requesting the withdrawal of the portion from the district on the ground that it will not be benefited by remaining in the district. Petition

14562. The board shall fix a time for hearing the petition and protests to the continuance of the remaining territory as a district. Hearing: Time for

14563. The time of hearing shall be not less than 10 nor more than 30 days after the receipt of the petition. Same

14564. The board shall, at least a week prior to the time so fixed, publish a notice of hearing by one insertion in a newspaper circulated in the district, which the board deems most likely to give notice to its inhabitants of the proposed withdrawal. Notice: Publication

14565. The notice shall also be posted in three of the most public places in the district, one of which shall be within the portion of the district desired to be withdrawn, at least one week prior to the time fixed for hearing. Posting

14566. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district, or to the continuance of the remaining territory as a district. Objections

**Grant of petition** 14567. The board shall consider and pass upon the objections, and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition.

**Vesting of property** 14568. Upon the withdrawal of any territory from a district, all property acquired for the district remains vested in the county and shall be used for the purposes of the district.

### Article 13. Dissolution

**Dissolution** 14580. Any district may be dissolved by the board.

**Petition** 14581. Fifty or more freeholders and residents of such district, or a majority of such freeholders and residents if there are less than 100 freeholders and residents in the district, may file a petition with the board, requesting the dissolution of the district.

**Notice** 14582. The board shall fix a time for hearing the petition, which shall be not less than 10 nor more than 30 days after the receipt of the petition, and shall at least one week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper of general circulation circulated in the district.

**Objections** 14583. At the time appointed for hearing, or at any time to which the hearing may be continued, the board shall hear and pass upon the petition, and any objections which may be made to the granting of the petition.

**Election, etc.** 14584. The board shall consider and pass upon the objections and may either deny the petition for dissolution or, by resolution, call an election upon the proposition of dissolution of the district.

**Resolution: Date of election** 14585. The resolution shall specify the date of the election which shall be held not less than 20 days after the adoption of the resolution.

**Designation of precincts, etc.** 14586. The resolution shall also designate one or more precincts within the boundaries of the district, a polling place in each precinct, and the names of the election officers, who shall be one inspector, one judge, and one clerk, in each precinct.

**Election law** 14587. In all other particulars the election shall be held as provided by law for holding a general election in the county.

**Notice** 14588. No notice of election other than the publication and posting of the resolution need be given.

14589. The resolution ordering the election shall be published once a week for two successive weeks prior to the date set for the election, in the newspaper of general circulation circulated within the district, and deemed by the board to be most likely to give notice of the election to the electors. The resolution shall also be posted in three of the most public places within the district at least 10 days prior to the date of election. Publication and posting

14590. The ballots used at the election shall state in substance the following proposition: "Shall the ----- County Fire Protection District in ----- County (stating the name of the district and the name of the county in which it is located) be dissolved," and opposite the proposition shall be printed the words "Yes" and "No" with appropriate voting squares. Ballots

14591. If a majority of the votes cast are in favor of the dissolution of the district, the board shall enter a finding to that effect upon its minutes and the district is dissolved. Finding

14592. Upon the dissolution of any district pursuant to this article, the property of the district remains the property of the county in which the district is located and may be used, together with any money remaining in the funds of the district, for general fire protection purposes throughout the county. Vesting of property

14593. Whenever it shall appear that because of withdrawals of territory there remains in any district only territory which will not be benefited by the continued existence of the district either because such remaining territory is uninhabited or because it contains no improvements which need fire protection the board may without notice, hearing or election order the district dissolved forthwith.

(Added by Stats. 1941, Ch. 76.)

### CHAPTER 3. FIRE PROTECTION DISTRICTS IN ONE OR MORE COUNTIES

#### Article 1. General Provisions

14600. Contiguous unincorporated territory lying within one or more counties and not included in any other fire protection district and not including timber land patrolled by the State Board of Forestry or in accordance with its rules and regulations, may be formed into a county fire protection district in the manner provided in this chapter. Territory that may be organized

14601. "District," as used in this chapter, means a fire protection district formed pursuant to this chapter or pursuant to any law which it supersedes. "District"



"Directors" 14602. "Directors," as used in this chapter, means the board of directors of a district.

Exemption from Stats. 1933, p. 2142 14603. A district formed or proposed to be formed under this chapter is not subject to any provisions of the "District Investigation Act of 1933."  
(Amended by Stats. 1939, Ch. 222.)

Title to property 14604. The title to all property which may have been acquired for a district is vested in the district.

Disposal of property on dissolution 14605. Whenever any district is dissolved all of its property shall be disposed of to the highest bidder, and the proceeds, together with all money in the county treasury to the credit of any fund of the district, shall upon dissolution be applied to the maintenance and repair of the highways in the district.

## Article 2. Petition and Hearing

Petition 14610. Twenty-five per cent or more of the holders of title or evidence of title to lands lying in one body and whose names appear as such upon the next preceding county assessment rolls may petition the board of supervisors of the county in which the land or the greater portion of it lies, setting forth the exterior boundaries of the proposed district, and asking that the district so described be formed into a district.

Resolution 14611. The board of supervisors shall pass a resolution declaring their intention to organize the territory into a district, naming the district and describing its exterior boundaries.

Notice 14612. The resolution shall fix a time and place for hearing not less than 30 days after its adoption and direct the clerk of the board of supervisors to publish the notice of intention to form the district, and of the time and place fixed for hearing, and shall designate some newspaper of general circulation published in the county and circulated in the proposed district, or if there is no newspaper so published and circulated, then in some newspaper of general circulation circulated in the proposed district.

Heading of notice 14613. The notice shall be headed "Notice of the proposed formation of ----- County Fire Protection District in ----- County (stating the name of the proposed district and the name of the county or, if there is more than one county, the names of all of the counties)."

Contents 14614. The notice shall state the fact that the board of supervisors has fixed the time and place, which shall be stated in the notice, for hearing the matter of the formation of the district.

14615. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district, which boundaries, so far as practicable, shall be the center lines of highways. Same

14616. The notice shall be published once a week for two successive weeks prior to the time fixed for hearing in the newspaper designated by the board. Publication

14617. At or prior to the time fixed for hearing, any person interested may file with the clerk of the board written objections to the formation of the district. Objections

14618. At the hearing, or at any time to which it may be adjourned, the board of supervisors shall hear and pass upon the objections filed, if any. Hearing

14619. The board may sustain any or all of the objections filed and change or alter the boundaries of the proposed district to conform to the needs of the district and to exclude any land that will not be benefited by the formation of the district. Action on objections and boundaries

14620. Any owner of lands adjacent to the district may, by written application filed with the board at or before the time of the hearing, in the discretion of the board, have such lands included within the proposed district. Other lands not included in the proposed district by the original petition may not be included in the district. Inclusion of lands

14621. Upon the hearing the board shall determine whether or not the petition complies with the requirements and purposes of this chapter, and shall hear all competent and relevant testimony offered in support or in objection to the petition. Hearing

14622. The board shall by resolution determine whether or not the proposed district shall be formed and the determination shall be entered upon its minutes. Resolution

14623. When the boundaries of the proposed district are established by the board, it shall make an order dividing the district into three or five divisions as nearly equal in size as practicable. Divisions

14624. The divisions shall be numbered consecutively and constitute election precincts for the district. Same

14625. One director, who shall be a resident of the precinct for which he is elected, shall be elected by each precinct, except when requested in the petition, three directors who are residents of the district, shall be elected at large by the district. Directors

## Article 3. Election on Organization

Notice of election 14630. If the board determines that a district should be formed it shall give notice of an election to be held in the proposed district for the purpose of determining whether or not the district shall be formed.

Contents 14631. The notice shall designate a name for the proposed district and describe the boundaries of the precincts, when more than one, together with a designation of the polling places and board of election for each precinct.

Publication 14632. The notice shall be published once a week for at least three weeks previous to the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county in which the petition for the organization of the district was presented.

Ballots 14633. The notice shall require the electors to cast ballots which shall contain the words "----- County Fire Protection District--Yes" or "----- County Fire Protection District--No" or their equivalent, and also the names of persons to be voted for to fill the office of director.

Election law 14634. The election shall be conducted as nearly as practicable in accordance with the general laws of the State, but no particular form of ballot is required.

Electors 14635. Holders of title or evidence of title to lands within the district, and no others, are qualified and entitled to vote either in person or by proxy at any election.

Proxies 14636. No person shall cast a vote by proxy unless his authority to do so is evidenced by an instrument in writing acknowledged before a notary public and filed with the election board.

Canvass of votes 14637. The board of supervisors shall on the first Monday succeeding the election, or at its next succeeding general or special session, canvass the votes and if it appears that a majority of all votes cast in the district, and in each portion of the counties included in the district in case lands in more than one county are included, are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare the territory organized as a district and shall declare the persons receiving respectively the highest number of votes for directors, to be elected.

Filing of order, etc. 14638. The board shall cause a copy of the order certified by the clerk of the board to be immediately filed for record in the office of the county recorder of the county in which any portion of the lands embraced in each district is situated, and



shall immediately forward a copy to the clerk of the board of supervisors of each of those counties.

14639. From and after such filings the organization of the district is complete. Completion of organization

14640. No board of supervisors shall, after the date of the organization, allow another fire protection district to be formed which includes any portion of the lands in the district without the consent of the landowner. Inclusion within second district

#### Article 4. Government of District

14650. The directors elected shall immediately enter upon their duties. Directors

14651. Excepting the members of the first board, they shall hold office for a term of three years from and after their election and until their successors are elected and qualified. Terms

14652. The members of the first board of directors shall at their first meeting so classify themselves by lot that one of their number goes out of office on the second Monday of April of the year next succeeding the first election; one on the second Monday of April of the second year succeeding; and one on the second Monday of April of the third year succeeding. First directors

14653. After classification the directors shall organize as a board, elect a president from their number, and appoint a secretary who shall each hold office during the pleasure of the board. Organization

14654. After the first election, an election shall be held each year on the last Friday in March at which one director shall be elected. Annual election

14655. Notice of election shall be given by the directors by posting in three public places within the district for at least two weeks before the election. Notice

14656. The board of directors shall appoint the judges of election. Election judges

14657. Wherever practicable, the polling places used for school elections shall be designated. Polling places

14658. The elections shall be conducted in accordance with the provisions of the general election laws except as in this chapter provided to the contrary. Election law

Returns 14659. The judges of election shall, within 24 hours after the election, make returns and certify the votes, and the names of the persons voted for to the directors.

Canvass of votes, etc. 14660. Within five days after the returns have been received by the directors, they shall count the votes, determine who has been elected, and issue certificates of election to the persons elected.

## Article 5. Powers and Duties of Directors

District management 14680. The directors shall manage and conduct the business and affairs of the district.

Rules and regulations 14681. They shall make and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection to it.

Contracts, etc. 14682. They shall make and execute in the name of the district all necessary contracts, adopt a seal for the district, provide for the payment of all the debts and claims against the district, and employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

Acquisition of property, etc. 14683. The directors may acquire real or personal property for the purposes of the district, dispose of property when no longer needed, construct needed structures, and acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purposes of the district.

Fire hazards 14684. They shall eliminate and remove fire hazards within the district wherever practicable and possible whether on private or public premises and to that end may clear the public highways and, where permitted, private lands, of dry grass, stubble, brush, rubbish, or other inflammable material, which in their judgment constitutes a fire hazard.

Necessary acts 14685. The directors shall perform all other acts necessary, proper and convenient to accomplish the purposes of this chapter.

Fire ordinances: Nature 14686. The directors may adopt ordinances to prevent fires and conflagrations, and for the protection of property at and during the pendency of any fire, and for that purpose may provide that at and during the pendency of any fire the officers of the fire company or companies present are vested with the powers of peace officers.

Execution, publication, etc. 14687. An ordinance shall be signed by the directors, and published in a newspaper printed in the district, or posted

in three of the most public places of the district, for a period of two weeks, at the end of which time it becomes a law for the government of the inhabitants of the district.

14688. Every person who violates any of the provisions of an ordinance of the directors is guilty of a misdemeanor. Violations

14689. Any justice of the peace within the townships within which the district is situated has jurisdiction of prosecutions under this chapter. Prosecutions

## Article 6. Finance and Taxation

14700. The directors of each district shall annually on or before the twentieth day of July estimate the amount of money which will be needed to defray the cost of maintenance of the district, and to meet other expenditures authorized in connection with the district. Annual estimate

14701. The directors shall ascertain from the assessor or assessors the assessed value of the assessable property within the district. Property value

14702. They shall then determine the amount of the tax sufficient to raise the sum estimated to be necessary. Tax amount

14703. The amount of money to be raised for the purpose of establishing and equipping a district with fire-fighting facilities shall not in any one year exceed 1 per cent of the assessable property within the district. Limitation

14704. The amount of money to be raised for the purpose of maintaining a district each year shall not exceed one-half of 1 per cent of the assessable property within the district. Same

14705. When so determined, the amount of the tax shall be certified to the boards of supervisors of the counties in which any portion of the district is located. Certification

14706. The boards of supervisors shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all taxable property, real, personal or mixed, in the district. Tax levy

14707. The tax when levied shall be entered upon the assessment rolls and collected in the same manner as State and county taxes. Collection

14708. When the tax is collected it shall be placed in the treasury of the county in which the greater portion of the district is located, to the credit of the current expense fund of the district and shall be used only for the purpose for which it was raised. Deposit of money



Payment of bills, etc. 14709. All accounts, bills and demands against the district shall be audited, allowed and paid by the directors by warrants drawn on the county treasurer. The county treasurer shall pay the warrants in the order in which they are presented.

### Article 7. Inclusion of Territory

Inclusion of territory 14720. Territory contiguous to any district and in a county in which some part of the district lies may be included in the district.

Petition 14721. All of the owners in fee of real property in the contiguous territory, as shown by the last equalized assessment roll of the county in which the territory is located, may file a petition with the board of supervisors of each county in which the district is situated.

Contents 14722. The petition shall designate specifically the boundaries of the contiguous territory, state that such territory is not within the fire limits of any other fire district, and ask that the territory be included in the district.

Execution 14723. The petition shall also be signed by the board of directors of the district.

Verification 14724. The petition shall be verified by the affidavit of one of the petitioners.

Notice 14725. A notice stating the time when the petition will be presented to the board of supervisors and that all persons interested may appear and be heard, shall be posted at least two weeks preceding the hearing in three public places in the district.

Hearing 14726. At the hearing the board of supervisors shall hear the petition and any person interested, and may adjourn the hearing from time to time.

Determination 14727. Upon the hearing of the petition the board may determine whether or not it is for the best interests of the district and of the contiguous territory that the territory be included in the district.

Boundaries 14728. The board may modify the boundaries of the territory proposed to be included.

### Article 8. Change of Boundary

Annexation 14735. The boundaries of a district may be altered and new territory annexed pursuant to this article.

14736. The directors of any district, upon receiving a Petition written petition for annexation containing a description of territory contiguous to the district and proposed to be annexed, signed by not less than 20 per cent of the holders of title or evidence of title to lands within the territory proposed to be annexed, whose names appear as such on the last preceding county assessment roll, shall cause a notice of filing of the petition to be published in the same manner and for the Notice: Publication same time as is required as to notices of the proposed formation of a district.

14737. The notice shall state the fact of the filing of the Contents petition, the names of the petitioners, a description of the lands mentioned in the petition, and the prayer of the petition.

14738. The notice shall notify all persons interested in, Same or that may be affected by the change of the boundaries of the district, to appear at the offices of the directors, at a time named, and show cause in writing, if any they have, why the proposed change in boundaries should not be made.

14739. The time specified in the notice shall be the regular Time of hearing meeting of the board next after the expiration of time for publication of the notice.

14740. The petitioners shall advance to the directors sufficient money to pay the estimated costs of all proceedings. Costs

14741. The directors, at the time and place mentioned in the notice, or at such other time to which the hearing may be adjourned, shall hear the petition, and all objections presented in writing by holders of title or evidence of title to lands within the district or within the territory proposed to be annexed. Hearing

14742. The directors may require as a condition precedent Payments to the granting of a petition, that the petitioners shall severally pay to the district such respective sums as nearly as the same can be estimated and in the several amounts determined by the directors as the petitioners or their grantors would have been required to pay the district as taxes, had the lands been included in the district at the time it was originally formed.

14743. At the hearing, the directors shall hear and determine all objections and shall exclude all lands within the territory proposed to be annexed which will not be benefited by inclusion. Exclusion of land

- Election** 14744. If the directors deem it for the best interest of the district that the boundaries of the district be changed as proposed or as such proposal may be altered by the exclusion of lands not benefited, the directors shall submit the question of change in boundaries at the next election to be held in the district and shall call an election to be held at the same time within the territory to be annexed.
- Notice** 14745. Notice of the election shall be given in the same manner as that prescribed for annual elections of directors.
- Ballots** 14746. The ballots cast at the election shall contain the words "For change of boundary" and "Against change of boundary," or their equivalent.
- Description** 14747. The notice of election shall describe the proposed change of boundaries so that it can readily be traced.
- Electors, proxies** 14748. The qualifications for voters are the same as for other district elections and votes by proxy are allowable as in other district elections.
- Canvass of returns** 14749. The returns of the votes cast in the territory proposed to be annexed and in the district shall be canvassed separately and the directors shall cause a record of the canvass to be made and entered in its minutes.
- Finding** 14750. If it appears from the canvass that a majority of the votes cast in the district and in the territory proposed to be annexed are in favor of the change in boundary, the directors shall so find and upon the filing of a copy of its finding certified under seal of the district in the office of the county recorder, the territory is a part of the district.

### Article 9. Dissolution

- Dissolution** 14760. Pursuant to this article, a district may be dissolved by the board of supervisors which formed it.
- Petition** 14761. Twenty-five per cent of the owners of land within the district may file a petition for dissolution with the board of supervisors, requesting the dissolution of the district.
- Election** 14762. The board of supervisors shall by resolution call an election which shall be called, noticed and conducted in all respects in a manner similar to that provided for with reference to the formation of a district.
- Favorable vote: Entry and filing** 14763. If it appears that a majority of the owners of land voting at the election have voted in favor of dissolution, the directors shall cause such facts to be entered upon their minutes and shall forward copies of the entry to the boards of supervisors of the counties in which the district is situated.



14764. The directors shall also record a copy of the entry with the county recorders of those counties. Record of entry

14765. On and after the filing and recording, the district is dissolved. Effect

14766. If at the time of dissolution there are any outstanding or bonded indebtednesses, taxes for their payment shall be levied and collected the same as if the district had not been dissolved and disincorporated. Outstanding debts

#### CHAPTER 4. DISSOLUTION OR EXCLUSION WHEN AREA IS INCORPORATED

##### Article 1. Dissolution

14800. A district comprising territory which is wholly within, or identical with the corporate limits of a city, which has been incorporated after the district was organized and established, may be dissolved. Dissolution

14801. Inhabitants of the district, whose names appear upon the last preceding assessment roll of the county or city within which the district is located, owning or representing more than one-half in value of the assessed real property of the district, or owning or representing more than one-half in value of the assessed real property in the district owned by its residents, may file a verified petition with the board of supervisors requesting the dissolution of the district. Petition

14802. The board of supervisors may, by a resolution adopted and entered in its minutes, discontinue the district, and declare it to be disincorporated. Declaration

14803. Upon such action being taken by the board of supervisors, the board of fire commissioners of the district, shall turn over to any fire department organized by the governing body of the city, or to the governing body itself, all the property of the district. Disposition of property

14804. The city shall pay all the debts of the district and thereupon the district is discontinued and disincorporated. Payment of debts

##### Article 2. Change of Boundaries

14810. Any portion of the territory of any fire district which has been incorporated into the corporate limits of any city may be excluded from the district. Exclusion from district

14811. Inhabitants of the incorporated portion of the district, whose names appear upon the last preceding assessment roll of the county or city within which the incorporated portion of the district is located, owning or representing more Petition

than one-half in value of the assessed real property in the incorporated portion of the district, or owning or representing more than one-half in value of the assessed real property within the incorporated portion of the district owned by its residents, may file a verified petition with the board of supervisors, requesting that the area within the city be excluded from the district.

Resolution 14812. The board of supervisors shall by a resolution adopted and entered in its minutes, change the boundaries of the district so as to exclude the incorporated portion from the district, and thereafter the incorporated portion of the district is not a portion of the district, and is not entitled to the protection of, nor liable to be assessed or taxed for the support and maintenance of, the fire department of the district.

### Article 3. Recordation

Recordation of resolution 14815. A certified copy of any resolution of a board of supervisors, discontinuing a district, excluding a portion of its territory, or changing its boundaries, after being adopted, and signed by the chairman and the clerk of the board and certified to by the clerk of the board under its seal, shall, within 10 days after adoption, be filed by the clerk of the board in the office of the county recorder of the county in which the fire district is located.

Fees 14816. The recorder shall record the resolution, but shall not make any charge or collect any fees for filing or recording it.

## PART 4. FIRE COMPANIES IN UNINCORPORATED TOWNS

### CHAPTER 1. ORGANIZATION

Certificate: Filing 14825. Fire companies in unincorporated towns may be organized by filing with the county recorder a certificate signed by the foreman or presiding officer and by the secretary.

Contents 14826. The certificate shall set forth the following matters:  
(a) The date of organization.  
(b) The name of the company.  
(c) The names of the officers.  
(d) The roll of active and honorary members.

Renewal 14827. The certificate shall be renewed and refiled every six months.

Number 14828. There shall not be in any one unincorporated town more than one company for each 1,000 inhabitants, but one company may be allowed in any town where the population is less than 1,000.

14829. An engine company may consist of not more than Members 65 certificate members; a hook-and-ladder company of not more than 65 certificate members; and a hose company of not more than 25 certificate members.

14830. Every fire company shall choose or elect a foreman, Foreman who is the presiding officer, and a secretary and treasurer.

## CHAPTER 2. POWERS AND DUTIES

14835. Every fire company may establish and adopt by-laws and regulations, and impose penalties, not exceeding five Regulations, penalties dollars (\$5) or expulsion for each offense.

14836. Every fire company regularly organized may adopt Seal a seal, having upon it the arms of the State, and the name of the company to which it belongs.

14837. The seal shall be under the control of and for the use of the secretary, and be by him affixed to exempt certificates, certificates of active membership, and such other documents as the by-laws provide. Control and use of seal

14838. The secretary of every company having a seal shall take the constitutional oath of office and give such bond as the by-laws provide for the faithful performance of his duties. Secretary. Oath and bond

14839. The secretary shall keep a record of all certificates of exemption or active membership, their date, and to whom issued; and when the company has no seal, the clerk shall keep similar entries of certificates issued to obtain county clerk's certificates. Certificate. Records

14840. Every certificate is prima facie evidence of the facts stated in it. Certificate as evidence

14841. The chief of every fire company shall inquire into the cause and keep a record of every fire occurring in the town. Chief: Fire record

14842. He shall aid in the enforcement of all fire ordinances, examine buildings in process of erection, report violations of ordinances relating to prevention or extinguishment of fires, and when directed by the proper authorities institute prosecutions therefor. Enforcement of ordinances

14843. He shall perform such other duties as may be by proper authority imposed upon him. Other duties

14844. Every chief shall attend all fires with his badge of office conspicuously displayed. Attendance at fires



Protection of property 14845. He shall prevent injury to, take charge of, and preserve all property rescued from fires, and return the property to its owner on the payment of the expenses incurred in saving and keeping it.

### CHAPTER 3. EXEMPTIONS

Privileges and exemptions 14855. The officers and members of unpaid fire companies regularly organized, and exempt firemen, are entitled to the following privileges and exemptions:

(a) Exemption from payment of poll tax, road tax, and head tax of every description.

(b) Exemption from jury duty.

(c) Exemption from military duty, except in case of war, invasion, or insurrection.

"Exempt fireman" 14856. Every fireman who has served five years in an organized fire company in this State is an "exempt fireman," and shall receive from the chief of the company to which he belonged a certificate to that effect.

Certificate: Active fireman 14857. Every active fireman shall have a certificate of that fact signed by the chief of the company to which he belongs.

Counter-signature 14858. The certificates shall be countersigned by the secretary, and over the seal of the company, if one is provided.

Exemption certificate 14859. Certificates of exemption may be issued by the clerk of the county over his official seal and signature and shall entitle the holder to exemption as an exempt fireman.

Violation 14860. Every officer of a fire company who wilfully issues or causes to be issued any certificate of exemption to a person not entitled to it, is guilty of a misdemeanor.

## PART 5. ABATEMENT OF HAZARDOUS WEEDS

### CHAPTER 1. GENERAL PROVISIONS

"Weeds" 14875. "Weeds," as used in this part, means all weeds growing upon streets, sidewalks, or private property in any county, including any fire protection district and includes any of the following:

(a) Weeds which bear seeds of a downy or wingy nature.

(b) Weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property.

(c) Weeds which are otherwise noxious or dangerous.

(d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

Public nuisance 14876. Weeds may be declared a public nuisance and may be abated as provided in this part.

## CHAPTER 2. RESOLUTION

14880. Whenever weeds are growing upon any street, sidewalk, or on private property in any county, the board of supervisors, by resolution, may declare the weeds a public nuisance. Resolution

14881. The resolution shall refer, by the name under which it is commonly known, to the street, highway, or road upon which the nuisance exists, upon which the sidewalks are located, or upon which the private property affected fronts or abuts or nearest to which the private property is located. Contents

14882. If the private property fronts or abuts upon more than one street, highway, or road, it is necessary to refer to only one of the streets, highways, or roads. Same

14883. The resolution shall describe the property upon which, or in front of which the nuisance exists by describing the property in accordance with the map used in describing property for taxation purposes. No other description is necessary. Same

14884. Any number of streets, highways, roads, or parcels of private property may be included in one resolution. Same

## CHAPTER 3. NOTICE TO DESTROY WEEDS

## Article 1. Persons Authorized to Give Notice

14890. The board of supervisors shall designate the person to give notice to destroy weeds. This may be any one of the following: Notice:  
Giving

- (a) The county agricultural commissioner.
- (b) The county forester.
- (c) The county board of forestry.
- (d) Any other officer, board, or commission.

## Article 2. Contents of Notice

14891. The notices shall be headed "Notice to destroy weeds," in words not less than one inch in height. Heading

14892. The notice shall be substantially in the following form: Form

## NOTICE TO DESTROY WEEDS

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, the board of supervisors of \_\_\_\_\_ County passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on, or nearest to \_\_\_\_\_ Street (or Road), in said county, and more particularly described in said resolution and that the same constitute a public nuisance which must be abated by the removal of said

noxious or dangerous weeds, otherwise they will be removed and the nuisance will be abated by the county authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such weeds are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the board of supervisors of said county, to be held (give date), when their objections will be heard and given due consideration.

Dated this ----- day of -----, 19---

-----,  
(Title of officer, board or commission causing notices to be posted.)

### Article 3. Posting and Mailing Notice

**Posting** 14893. The notices shall be conspicuously posted in front of the property on which or in front of which the nuisance exists, or if the property has no frontage upon any street, highway or road then upon the portion of the property nearest to a street, highway or road, or most likely to give actual notice to the owner.

**Same** 14894. The notices shall be posted not more than 100 feet in distance apart, but at least one notice shall be posted on each lot or parcel.

**Postcard notice** 14895. The notice shall be posted at least five days prior to the time for hearing objections, and post-card notices of hearing shall be mailed to owners who have filed with the board a written request for such post-card notice within one year prior to the date of mailing.

**Mailing** 14896. Post-card notices shall be mailed to owners at the address shown on the request for notice, and shall be mailed at least seven days prior to the date of hearing.

**Form** 14897. The post-card notice is sufficient if substantially in the form of the posted notice.

### Article 4. Hearing on Notice

**Hearing** 14898. At the time stated in the notices, the board of supervisors shall hear and consider all objections or protests, if any, to the proposed removal of weeds, and may continue the hearing from time to time.

**Decision** 14899. Upon the conclusion of the hearing the board shall allow or overrule any or all objections, whereupon the board shall acquire jurisdiction to proceed and perform the work



of removal, and the decision of the board on the matter is final, except as provided in Sections 14920 and 14921 of this code.

(Amended by Stats. 1941, Ch. 69.)

#### Article 5. Proceedings After Hearing on Notice

14900. After final action is taken by the board on the disposition of any protests or objections or in case no protests or objections are received, the board shall order the officer, board or commission causing the notices to be posted to abate the nuisance, or to cause it to be abated by having the weeds removed. Abatement

14900.5. If the nuisance is seasonal and recurrent, the board of supervisors shall so declare. Thereafter, such seasonal and recurring weeds shall be abated every year without the necessity of any further hearing. Seasonal and recurrent nuisance

(Added by Stats. 1939, Ch. 1018.)

14900.6. In the case of weeds which have previously been declared to constitute a seasonal and recurring nuisance, it is sufficient to mail a post-card notice to the owners of the property as they and their addresses appear upon the current assessment roll. Notice of seasonal and recurrent nuisance

The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will be abated by the county authorities, in which case the cost of such removal shall be assessed upon the lot and lands from which or in front of which such weeds are removed and that such cost will constitute a lien upon such lots or lands until paid.

(Added by Stats. 1939, Ch. 1018.)

14901. The officer, board or commission, and his or its assistants, deputies, employees, or contracting agents, or other representatives may enter upon private property for the purpose of removing the weeds. Entry upon property

14902. Any property owner may have weeds removed at his own expense if it is done prior to the arrival of the officer, board or commission, or his or its representatives to do it. Removal by property owner

### CHAPTER 4. EXPENSE OF ABATEMENT

#### Article 1. Determination and Notice

14905. The officer, board or commission abating the nuisance shall keep an account of the cost of abatement in front of or on each separate parcel of land and shall render Report of cost

an itemized report in writing to the board of supervisors showing the cost of removing the weeds on or in front of each separate lot or parcel of land, or both.

**Posting** 14906. Before the report is submitted to the board of supervisors, a copy of it shall be posted for at least three days on or near the chamber door of the board with a notice of the time when the report will be submitted to the board for confirmation.

**Notice** 14907. A post-card notice of the time and place of the submission of the report for confirmation, stating generally the nature of the report, shall be mailed by the board to the owners of the parcels who have filed with the board a written request for post-card notice within one year prior to the date of mailing the notice, at least seven days prior to the date of submission for confirmation.

## Article 2. Hearing on Report

**Hearing** 14910. At the time fixed for receiving and considering the report, the board shall hear it and any objections of any of the property owners liable to be assessed for the work of abatement.

**Confirmation** 14911. Thereupon the board may make such modifications in the report as it deems necessary, after which, by order or resolution, the report shall be confirmed.

**Assessment and lien** 14912. The amounts of the cost for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of the respective assessments.

## Article 3. Collection of Expenses

**Entry of assessment** 14915. A copy of the report, as confirmed, shall be turned over to the auditor of the county, on or before the tenth day of August following such confirmation, and the auditor shall enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll.

(Amended by Stats. 1939, Ch. 354.)

**Tax bill** 14916. The tax collector shall include the amount of the assessment on bills for taxes levied against the respective lots and parcels of land.

**Collection** 14917. Thereafter the amounts of the assessments shall be collected at the same time and in the same manner as county taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes.

14918. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessment taxes. Laws applicable

14919. The county tax collector may, in his discretion, issue separate bills for such special assessment taxes and separate receipts for collection on account of such assessments. Separate bills

14920. All or any portion of any such special assessment; penalty or costs heretofore or hereafter entered, shall on order of the board of supervisors be canceled by the auditor if uncollected, or, except in the case provided for in subdivision (e) hereof, refunded by the county treasurer if collected, if it or they were entered, charged or paid: Cancellation

(a) More than once;

(b) Through clerical error;

(c) Through the error or mistake of the board of supervisors or of the officer, board or commission designated by them to give notice or to destroy the weeds, in respect to any material fact, including the case where the cost report rendered and confirmed as hereinbefore provided shows the county abated the weeds but such is not the actual fact;

(d) Illegally;

(e) On property acquired after the lien date by the State or by any county, city, school district or other political subdivision and because of this public ownership not subject to sale for delinquent taxes.

(Added by Stats. 1941, Ch. 69.)

14921. No order for a refund under the foregoing section shall be made except on a claim: Claim required

(a) Verified by the person who paid the special assessment, his guardian, executor, or administrator;

(b) Filed within three years after making of the payment sought to be refunded.

The provisions of this section do not apply to cancellations.

(Added by Stats. 1941, Ch. 69.)

## DIVISION 13. HOUSING

### PART 1. STATE HOUSING ACT

#### CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

15000. This part is known as the "State Housing Act." "State Housing Act"

15001. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this part. Definitions

15002. "Apartment" means a room or suite of rooms in an apartment house or dwelling occupied, or intended or designed for occupation, by one family for living or sleeping purposes. "Apartment"

(Amended by Stats. 1939, Ch. 477.)



- "Apartment house" 15003. "Apartment house" means any structure more than one story in height, or any portion of any such structure occupied, or designed, built, or rented for occupation, as a home by three or more families, each living in a separate apartment and cooking within the structure.
- "Approved" 15004. "Approved," when used in connection with any material or appliance, means meeting the requirements and approval of the enforcement agency; or, if not meeting the requirements and approval of that agency, meeting the requirements and bearing the approval of the "National Board of Fire Underwriters" or the "Underwriters' Laboratories, Inc."
- "Basement" 15005. "Basement" means any portion of a building partially below the levels of the actual adjoining ground, with a ceiling no part of which is less than seven feet above such levels.
- "Building" 15006. "Building" means an apartment house, hotel, or dwelling, either singly or in combination.
- "Building department" 15007. "Building department" means the officer, department, or agency of a city or county charged with the enforcement of the provisions of this part pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or arrangement of buildings or structures within the city or county.
- "Cellar" 15008. "Cellar" means any portion of a building with a ceiling any part of which is less than seven feet above the actual adjoining ground levels.
- "City" 15009. "City" means an incorporated city or incorporated city and county.
- "Court" 15010. "Court" means any space on a lot, other than a yard, which, from a point not more than two feet above the floor line of the lowest story in the building on the lot in which there are windows from rooms abutting and served by the court, is open and unobstructed to the sky, except for projections permitted by this part.
- "Outer court" 15011. "Outer court" means a court one entire side or end of which is bounded by a front yard, a rear yard, a side yard, a front of lot, a street, or a public alley.
- "Inner court" 15012. "Inner court" means any court which is not an "outer court."
- "Curb level" 15011. "Curb level" means the curb level opposite the center of a front of lot, or, if a curb level has not been established, the average ground level at a front of lot.

15012. "Dead load" means the weight of a building's walls, "Dead load"  
partitions, framing, floors, roofs, and similar permanent construction.

"Live load" means all other forms of loading in a building, "Live load"  
including the assigned live loads for floors and roofs.

15013. "Dormitory" means a room occupied by more than "Dormitory"  
two guests.

15014. "Dwelling" means any structure, or any portion of "Dwelling"  
a structure, other than an apartment house or hotel, containing  
one or more apartments or guest rooms.

15015. "Enforcement agency" means the building depart- "Enforce-  
ment, the housing department, or the Department of Indus- ment  
trial Relations, as the case may be. agency"

15016. "Family" means one person living alone, or a group "Family"  
of two or more persons, whether or not related to each other by  
birth, living together, in an apartment.

15017. "Fireproof building" means a building constructed "Fireproof  
of the materials required by this part in fireproof buildings. building"

15018. "Guest" means any person who rents or occupies a "Guest"  
room for sleeping purposes.

15019. "Guest room" means a room occupied, or intended, "Guest  
arranged, or designed for occupation, by one or more guests. room"  
Every 100 square feet of superficial floor area in a dormitory  
is a guest room.

15020. "Hotel" means any structure, or any portion of a "Hotel"  
structure, including any lodging house, rooming house, dormi-  
tory, turkish bath, bachelor hotel, studio hotel, public club, or  
private club, containing six or more guest rooms and which  
is occupied, or is intended or designed for occupation, by six  
or more guests, whether rent is paid in money, goods, labor, or  
otherwise. It does not include any jail, hospital, asylum, sani-  
tarium, orphanage, prison, detention, or other building in which  
human beings are housed and detained under legal restraint.

15021. "Housing department" means the officer, depart- "Housing  
ment, or agency of a city or county charged with the enforce- department"  
ment of the provisions of this part pertaining to the mainte-  
nance, sanitation, ventilation, use, or occupancy of buildings  
within the city or county.

15022. "Kitchen" means any room used, or intended or "Kitchen"  
designed to be used, for cooking and preparing food.

"Lot" 15023. "Lot" means a parcel or area of land on which is situated a building, together with the yards, courts, and unoccupied spaces required by this part for the building, and which is owned by, or is in the lawful possession of, the owner of the building.

"Corner lot" "Corner lot" means a lot situated at the junction of two or more intersecting streets, with a boundary line bordering on each of the streets. The owner of such lot or his authorized agent may designate either street frontage as the front of lot for the purpose of determining its width.

"Interior lot" "Interior lot" means a lot which is not a corner lot. All parts of the width of a corner lot which are more than 75 feet distant from the junction point of the intersecting streets comprise an interior lot.

"Front of lot" "Front of lot" means the boundary line of a lot bordering on a street. In the case of a corner lot, either street frontage may be the front of lot.

"Rear of lot" "Rear of lot" means the boundary line opposite the front of lot.

"Depth of lot" "Depth of lot" means the mean distance from the front of lot to the rear of lot.

"Nuisance" 15024. "Nuisance" includes:

(a) Any public nuisance known at common law or in equity jurisprudence.

(b) Whatever is dangerous to human life or is detrimental to health.

(c) Overcrowding a room with occupants.

(d) Insufficient ventilation or illumination.

(e) Inadequate or insanitary sewerage or plumbing facilities.

(f) Uncleanliness.

(g) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.

"Occupied space" 15025. "Occupied space" means all the space covered by a building, including that covered by the building's outside stairways, platforms, fire escapes, balconies, fire towers, chimneys, vent shafts not exceeding 32 square feet in area, and cornices which project farther into a court or yard than is permitted by this part.

For the purpose of determining occupied space, the area of a building shall be measured at its lowest story or portion thereof used for living or sleeping purposes.

"Plasterboard" 15026. "Plasterboard" means any type of wall board used as a base for plastering.

"Public hallway" 15027. "Public hallway" means a hallway, corridor, passageway, vestibule, stairway, landing, or platform in an apartment house or hotel; but not within an apartment, if in an apartment house, or within a suite of rooms, if in an hotel.



15028. "Semifireproof building" means a building constructed of the materials required by this part in semifireproof buildings. "Semifireproof building"

15029. "Shaft" means any shaft used for air, light, or ventilation, or for an elevator or dumb-waiter. "Shaft"

A vent shaft is one used solely to ventilate or light a water-closet compartment or bath room.

15030. "Street" means any street, alley, thoroughfare, or park not less than 16 feet in width, measured from the front of lot to the opposite front of lot, which has been dedicated or deeded to the public for public use. "Street"

15031. "Superficial floor area" means all floor area exclusive of that occupied by built-in dressers, clothes presses, or similar fixtures which are built into and are a substantial part of a building, and are not readily removable. "Superficial floor area"

15032. "Window" includes any French door or window. "Window"

15033. "Wooden building" means a building which does not fully comply with the provisions of this part pertaining to materials required in the construction of either a fireproof or a semifireproof building. "Wooden building"

15034. "Yard" means any space on a lot other than a court, which is open and unobstructed from the ground to the sky, except for projections permitted by this part. "Yard"

"Front yard" means a yard between the front line of a building and the front boundary line of the lot on which the building is situated. "Front yard"

"Rear yard" means a yard between the extreme rear line of a building and the rear of the lot on which the building is situated. "Rear yard"

"Side yard" means a yard which extends from a rear yard to a front yard or front of lot. "Side yard"

15035. "Building unfit for human habitation or occupancy" means any building or buildings used for human habitation, or designed or intended for such use, which are dangerous to human life or detrimental to health, through lack either of maintenance, or repair generally, or through improper sanitary facilities, and include, but are not limited to, buildings in which exist one or more of the following conditions: "Building unfit for human habitation or occupancy"

(a) The exterior walls, doors, windows, floors or roof are so deteriorated, broken or damaged as not to exclude rain or wind and by reason of such condition are dangerous to human life or detrimental to health;

(b) The foundations or supporting walls are deteriorated or damaged to the extent that walls list or lean and by reason of such condition are dangerous to human life or detrimental to health.

(Added by Stats. 1941, Ch. 807.)

## CHAPTER 2. APPLICATION AND SCOPE

- Scope of part** 15151. The provisions of this part which relate to apartment houses and hotels apply in all parts of the State. The provisions of this part which relate to dwellings apply only in cities.
- Minimum requirements** 15152. The provisions of this part constitute minimum requirements for the protection, health, and safety of the public and of the occupants of apartment houses, hotels, and dwellings.
- Local ordinances** 15153. The governing body of any city or county may enact ordinances or laws imposing restrictions greater than those imposed by this part, or prescribing fees for permits, certificates, or other papers required by this part.
- Conformance:** 15154. Except as otherwise permitted or required by this part:
- Alterations, etc.** (a) Any alteration, installation, or change in, including use or occupancy, or reconstruction of, any building shall meet the requirements of this part relating to that building.
- Replacements** (b) Any lawfully existing fixture, construction, or arrangement in a building may be replaced in kind.
- Use conversion** 15155. Any building or structure not erected for use as an apartment house, hotel, or dwelling, which is converted to or altered for such use, shall conform to all the provisions of this part affecting an apartment house, hotel, or dwelling, as the case may be.
- Relocation** 15156. Any apartment house, hotel, or dwelling which is moved shall conform to all the provisions of this part affecting any such building pertaining to:
- (a) Percentage of unoccupied area.
- (b) Heights.
- (c) The size of:
- (1) Outer courts.
- (2) Inner courts bounded by a lot line.
- (3) Yards.
- Reconstruction following damage** 15157. If it is reconstructed, any building which has been damaged by fire or the elements to an extent in excess of 60 per cent of its physical proportion, shall conform to all the provisions of this part.
- Combination apartment house-hotel** 15158. In any building erected as, or altered or converted into, a combined apartment house and hotel every portion used for apartment house purposes, including each apartment, shall comply with all the apartment house requirements of this part; and every portion used for hotel purposes, including each guest room and dormitory, shall comply with all the hotel requirements of this part.

## CHAPTER 3. ADMINISTRATION AND ENFORCEMENT

## Article 1. Enforcement Agencies

15250. The building department of every city shall enforce within the city all the provisions of this part pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or arrangement of apartment houses, hotels, or dwellings.

In cities:  
Building  
department

15251. The housing department or, if there is no housing department, the health department, of every city shall enforce within the city all the provisions of this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings.

Housing  
or health  
department

15252. If there is no building department, housing department, or health department in a city, the officer who is charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, ventilation, or occupancy of buildings, or of the police, fire, or health regulations, in the city, shall enforce within the city all the provisions of this part.

Where no  
building,  
housing  
or health  
department

15253. In every county the officer who is charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, occupancy, or ventilation of buildings, or of the police, fire, or health regulations, in the county, shall enforce, outside the territorial limits of any city, all the provisions of this part pertaining to apartment houses and hotels.

Outside  
cities:  
County en-  
forcement  
officer

15254. Any city or county may designate and charge by charter or ordinance any department or officer, other than a department or officer mentioned in this chapter, with the enforcement of any or all of the provisions of this part within its territorial limits.

Designation  
of depart-  
ment or  
officer

15255. The Department of Industrial Relations may enforce, outside the territorial limits of any city, all the provisions of this part pertaining to apartment houses and hotels.

Department  
of Industrial  
Relations

The Department of Industrial Relations may enforce within any city any provision of this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of buildings which it finds has been or is being violated, after it has given the housing department of the city written notice of the violation and that department has failed to correct the violation within the following 30 days.

## Article 2. Inspection

15270. Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part which the enforcement agency has the power to enforce.

By enforce-  
ment agency



By building owner

15271. The owner, or authorized agent of any owner, of any building or premises may enter the building or premises whenever necessary to carry out any instructions, or perform any work required to be done pursuant to this part.

Restrictions

15272. No person authorized by this article to enter buildings shall enter any dwelling between the hours of 6 o'clock p.m. of any day and 6 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the dwelling, nor enter any dwelling in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.

### Article 3. Actions and Proceedings

Action:  
Institution

15290. If any building is constructed, altered, converted, or maintained in violation of any provision of, or of any order or notice issued by an enforcement agency pursuant to, this part, or if a nuisance exists in any building or upon the lot on which it is situated, the enforcement agency may institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

Relief  
pending  
judgment

15291. An enforcement agency which institutes any action or proceeding pursuant to this article may, by verified complaint setting forth the facts, apply to the superior court, or to any judge of the superior court, for an order granting the relief for which the action or proceeding is brought until the entry of a final judgment or order.

Order for  
nuisance  
abatement,  
etc.

15292. If any notice or order issued by an enforcement agency is not complied with, the enforcement agency may apply to the superior court, or to any judge of the superior court, for an order authorizing it to remove any violation or abate any nuisance specified in the notice or order.

Who may  
make order

15293. The superior court, or any judge of the superior court, may make any order for which application is made pursuant to this article.

Liability  
for costs

15294. Neither an enforcement agency, any of its officers, nor any city for which an enforcement agency may act, is liable for costs in any action or proceeding that the enforcement agency may commence pursuant to this article.

Procedure

15295. Except as otherwise specified in this article, the procedure in any action or proceeding instituted pursuant to this article shall be as set forth in the charter or ordinances of the city in which the action or proceeding arose.

Notice of  
pending  
action:  
Filing

15296. Any enforcement agency which institutes an action or proceeding pursuant to this article may file a notice of the pendency of the action or proceeding in the county recorder's

office of the county where the property affected by the action or proceeding is situated. The notice may be filed at the time of the commencement of the action or proceeding, or at any time before final judgment or order. It has the same effect as the notice of pendency of action provided for in the Code of Civil Procedure.

15297. The county recorder with whom a notice of pendency of action or proceeding is filed shall record and index it in the name of each person to be specified in a direction subscribed by an officer of the enforcement agency instituting the action or proceeding. Recording

15298. Any notice of pendency of action or proceeding may be vacated upon the order of a judge of the court in which the action or proceeding is pending. Upon the presentation and filing of a certified copy of the order, the recorder of the county where the notice is filed shall mark the notice and any record of the notice as canceled of record. Vacating

15299. In any action or proceeding brought pursuant to this article, service of summons is sufficient if served in the manner provided in the Code of Civil Procedure. Service:  
Summons

15300. Every notice or order issued pursuant to this part shall be served five days before the time for doing or refraining from doing the thing to which it pertains. Notice of  
order

#### Article 4. Records

15315. In every city, the owner, lessee, or other person in control of an apartment house or hotel shall file with the housing department a notice containing the following information: Notices:  
Property  
description

(a) His name and address.

(b) A description of the property, by street and number or otherwise, of such character as will enable the department to locate it easily.

(c) If an apartment house:

(1) The number of apartments.

(2) The number of rooms in each apartment.

(3) The number of families occupying the apartments.

(d) If an hotel, the number of rooms.

15316. Within 30 days after the ownership in any apartment house or hotel is transferred the transferee shall file with the housing department a notice of the transfer to him. Ownership  
transfer

15317. If the owner of an apartment house or hotel dies leaving the property by will, within 30 days after the probate of the will the executor of the will, and any person to whom he leaves the property, if over the age of 21 years, shall file Death of  
owner

with the housing department a notice stating the fact of the owner's death and the name of the person who has succeeded to the property.

If the owner of an apartment house or hotel dies without a will, within 30 days after his death his heirs or, if all his heirs are under the age of 21 years, the administrator of his estate, shall file with the housing department the notice mentioned in this section.

Name of owner or agent 15318. In every city, the owner or lessee of an apartment house or hotel, or the agent of either, shall file with the housing department a notice containing the following information:

(a) The name and address of the owner or lessee; or of an agent of either upon whom process may be served.

(b) A description of the property, by street and number or otherwise, of such character as will enable the department to locate it easily.

Indices 15319. Each housing department shall index the notices required to be filed with it pursuant to this article so that all of those relating to a particular apartment house or hotel will be indexed together and readily ascertainable. The indices are public records, and shall be open to public inspection during business hours.

## CHAPTER 4. PERMITS AND CERTIFICATES

### Article 1. Building Permits

Permit required 15351. No person shall erect, construct, reconstruct, move, convert, or alter a building within any city unless he has obtained a written permit for that purpose from the building department.

Exception The department may allow any person to make changes, alterations, or repairs to or in a dwelling without a permit, if the work is to be of a minor nature and will not affect the structural features, or the sanitation, ventilation, or safety of the dwelling.

Application 15352. Any person desiring a permit shall file an application therefor with the building department.

Contents 15353. The application shall be made upon forms to be furnished by the department and shall contain:

(a) The name and address of the applicant.

(b) The name and address of his architect or his contractor, if he has an architect or contractor.

(c) A detailed written statement of the work to be done.

Work plans, etc. 15354. The applicant shall file with his application:

(a) A complete set of the plans of the work proposed.

(b) A set of specifications describing the materials to be used in the work.



(c) A plan of the lot on which the work is to be performed, which shall clearly indicate an outline of any existing building or structure on the lot.

15355. The building department may issue a permit to make nominal alterations or repairs in an apartment house or hotel without requiring the filing of plans and specifications, if the alterations or repairs will not affect the structural features, sanitation, or ventilation of the building. Exception

15356. The building department shall examine the application, plans, and specifications filed with it by an applicant, and if it appears that the work to be done will not result in a violation of this part, shall approve them and issue a permit to the applicant. Issuance

15357. The building department may approve changes in any application, plans, or specifications previously approved by it. Changes

15358. The building department may revoke any permit if the permittee refuses, fails, or neglects to comply with any provision of this part, or if it finds that any false statement or misrepresentation was made in the application, plans, or specifications filed by the permittee. Revocation

15359. The work authorized by a permit shall be performed only in accordance with the application, plans, and specifications filed by the permittee. Performance of work

15360. The issuance of a permit does not constitute approval of any violation of any provision of this part. Effect of issuance

15361. An approved copy of the plans and specifications filed in connection with any work for which a permit is issued shall be kept upon the building or premises in respect to which the work is authorized, from the commencement to the final completion of the work. Approval shall be evidenced by a stamp or writing of the building department upon the copy. The copy shall be subject to the inspection of proper authorities at all times. Copy of approved plans

15362. The authority granted by a permit shall expire if the work authorized is not commenced within 90 days from the date on which the permit is issued, or if the work is suspended for a period of 90 days after it is commenced. Before proceeding further with the work a new permit shall be obtained. Termination

## Article 2. Certificate of Final Completion and Permit of Occupancy.

15380. The owner or lessee of any apartment house or hotel erected, constructed, reconstructed, moved, converted, or Certificate required

altered in any city shall obtain a "certificate of final completion" from the building department of the city.

**Application** 15381. He shall file with the building department a written application for the certificate containing a description of the work performed. The department shall inspect the work within 10 days after the application is filed, and, if it meets the requirements of this part, shall issue the certificate to him.

**Permit of occupancy** 15382. The owner or lessee of any of the following buildings erected, constructed, reconstructed, moved, converted, or altered in any city shall obtain a permit of occupancy from the housing department of the city:

(a) An apartment house; excluding an apartment house occupied by four or less families erected prior to August 17, 1923, and which has not been reconstructed, moved, converted, or altered since that date.

(b) An hotel.

**Application** 15383. He shall file with the housing department a written application for the permit, together with any certificate of final completion issued for the building. If the department finds that no violations of this part have occurred since the issuance of the certificate, the department shall issue a permit to him. He does not have to file a certificate if a certificate is not required for the building; but in such case the department shall issue a permit to him only after it finds that the building conforms to the provisions of this part regarding sanitation.

**Validity** 15384. A permit of occupancy is valid from the date of its issuance until revoked.

**Display** 15385. The person to whom a permit of occupancy is issued shall display it in a conspicuous place in the building to which it pertains so that it may be readily seen by the authorized representative of any enforcement agency.

**Duplicates** 15386. Any permit or certificate issued pursuant to this article shall be made in duplicate and a copy shall remain on file with the department which issued it.

**Prohibition** 15387. No person shall occupy, or permit the occupation of, any apartment house or hotel for which a certificate of final completion and a permit of occupancy are required, until the certificate and permit have been issued.

**Unlawful structure** 15388. Any apartment house or hotel for which a certificate of final completion or a permit of occupancy is required which is occupied prior to the issuance of the certificate or permit, is an unlawful structure. The enforcement agency may have it vacated, and it shall not be occupied thereafter until the certificate or permit has been obtained.

## CHAPTER 5. BUILDINGS ON SAME LOT

## Article 1. Distances Between

15500. No building, and no structure, except the garage permitted by this article, shall be placed on the front or the rear of any interior lot on which an apartment house or hotel is situated within a distance of 20 feet from the apartment house or hotel, plus two additional feet for every story over two of the highest building or structure on the lot. Distance between buildings

15501. A structure not more than one story in height to be used as a garage solely by the occupants of an apartment house may be erected on the rear of an interior lot on which an apartment house is situated within a distance of 20 feet from the apartment house, if it will not encroach upon or occupy any portion of the lot required to be used or left vacant for use as a rear yard. Garage

## Article 2. Rear Building Passageway

15520. A building may be erected to the front or rear of another building if a passageway, open and unobstructed to the sky and not less than 10 feet in width, extending from the front of the rear building to the front line of the lot on which the buildings are situated, is provided. If the front building is more than two stories in height, the passageway shall be increased two feet in width, open, and unobstructed to the sky, for each additional story. Required passageway

15521. If the rear building is a dwelling, or an apartment house not more than two stories in height accommodating not more than two families on the second story, the passageway need not be provided if there is access, open and unobstructed to the sky and at least 10 feet in width, from such building to a street other than the street fronting the lot, or to an alley not less than 10 feet in width. Exception

15522. If there are only two one-story dwellings on one lot, each accommodating not more than two families, the passageway required by this article may be not less than five feet in width. Dwellings

15523. Ownership in any passageway required by this article shall be in the owner of the building for which the passageway is required. Ownership

## CHAPTER 6. UNOCCUPIED AREA

15600. At least 10 per cent of every corner lot on which an apartment house is erected shall be left unoccupied. Corner lot

15601. At least 25 per cent of every interior lot on which an apartment house is erected shall be left unoccupied. Interior lot



Compu-  
tation

15602. If either a corner or interior lot on which an apartment house is erected extends from one street to another street, a public alley, or public park, one-half of the width of the narrowest street, public alley, or public park to which the lot abuts may be considered a part of the lot in computing the percentage of the lot to be left unoccupied; but if such one-half is greater than the depth of the rear yard required for the apartment house, then only as much as is required for the rear yard shall be considered as part of the lot for the purpose of computing the percentage of the lot to be left unoccupied.

Exception

15603. If an apartment house is not more than two stories in height and is built to accommodate not more than two families above the first story, the percentage of lot to be left unoccupied may be not less than one-half of that prescribed by this chapter.

Projecting  
windows

15604. If the required unoccupied area of a lot is located on the rear of, and behind the apartment house on, the lot in such manner that the depth of the rear yard of the building is increased to a depth greater than that required by this part, bay windows may project into the unoccupied area from any floor above the first floor of the building, subject to the following conditions:

(a) The windows shall not project more than three feet into the unoccupied area.

(b) No window shall contain more than 15 square feet of superficial floor area.

(c) The windows shall be at least four feet apart.

(d) No window shall project into any part of the minimum unoccupied rear yard space required by this part.

## CHAPTER 7. YARDS AND COURTS

### Article 1. General Provisions

Single yard

15650. A single yard or court shall not serve two buildings.

Projections:  
Cornices,  
etc.

15651. A cornice, belt course, or similar projection on a building may extend:

(a) Into an outer court, two inches for each one foot of the width of the court.

(b) Into an inner court, one inch for each one foot of the width of the court.

(c) Any distance desired into any court if the minimum required width of the court is maintained open and unobstructed.

Same

15652. A cornice or similar projection may extend into a yard the distance permitted in the case of an outer court.

Outside  
stairways,  
etc.

15653. Outside stairways, platforms, and balconies constructed of open metal work, and fire escapes may extend not more than four feet beyond the exterior walls of a building

into a yard or court, if they do not obstruct the light and ventilation of rooms or apartments within the building.

A retaining wall may extend not more than 12 inches into a yard or court.

15654. In an apartment house or hotel every recess from a court, yard, or street shall be not less in width than its depth. It shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in which there are rooms it is designed to serve. Recess

15655. The area of the recess shall not be included in computing the area of a court or yard. Same

## Article 2. Yards

15680. There shall be a rear yard immediately behind every apartment house on the lot on which the latter is situated. Rear yard:  
Apartment  
house

15681. The yard shall extend, open and unobstructed to the sky, across the entire width of the lot from the lowest floor of the apartment house used for living or sleeping purposes. Extent

15682. The rear yard of an apartment house on an interior lot shall have a depth not less than that set forth in the following table: Depth: On  
interior lot

Height of apartment house measured from top of rear wall of building to ground	Depth of rear yard
Not exceeding 36 feet	10 feet
More than 36 but not exceeding 48 feet	11 feet
More than 48 but not exceeding 60 feet	12 feet
More than 60 but not exceeding 72 feet	14 feet
More than 72 but not exceeding 84 feet	16 feet
More than 84 but not exceeding 96 feet	18 feet
Exceeding 96 feet	20 feet

15683. The rear yard of an apartment house on a corner lot shall have a depth not less than that set forth in the following table: On corner  
lot

Depth of lot	Depth of rear yard
Not exceeding 100 feet	10 per cent of depth of lot, minimum width required for outer court of the apartment house, or five feet, whichever is the greater.
Exceeding 100 feet	Minimum width required for outer court of apartment house, or 10 feet, whichever is the greater.

- Exception** 15684. In the case of an apartment house not more than two stories in height, designed or built to accommodate not more than two families above the first story, the depth of the rear yard may be one-half of that prescribed by this article, but not less than five feet.
- Uniform depth** 15685. A rear yard of an apartment house designed to exceed 75 feet in width and situated on both a corner and interior lot may be of a uniform depth the entire width of the lots. In computing the uniform depth, the area of the portion of the yard on the interior lot shall be added to the area of the portion of the yard on the corner lot.
- Computation** 15686. If either a corner or interior lot extends from one street to another street, a public alley, or public park, one-half of the width of the street, public alley, or public park which is the narrowest may be considered a part of the lot in computing the minimum depth of a rear yard of an apartment house.
- Access to street** 15687. Every apartment house rear yard not bordering on a street or public alley shall have access to a street or public alley by means of an unobstructed passageway not less than three feet in width nor less than seven feet in height. Any portion of the passageway which passes through a building shall be constructed of approved incombustible materials; or shall be lathed with metal lath plastered not less than three-quarters of an inch thick, or lined with not less than number 26 gauge galvanized iron on solid sheathing of not less than thirteen-sixteenths inch boards.
- Apartment house-hotel** 15688. Every building erected as, or altered or converted into, a combined apartment house and hotel shall be provided with the rear yard required by this article for apartment houses.
- Space** 15689. The space beneath a rear yard of an apartment house on an interior lot shall not exceed one story, which shall not be more than eight feet six inches in height from the floor to the ceiling. Fireproof material shall be used in the construction of the floor of the yard and of the space beneath it.
- Rear yard: Hotel** 15690. The depth of a rear yard of any hotel designed to have a rear yard shall be not less than the minimum width of an inner court bounded on one side by a lot line specified in this chapter for an hotel of the same height.
- Computation** 15691. If the lot on which an hotel is situated extends from one street to another street, a public alley, or public park, one-half of the width of the street, alley, or park may be considered a part of the lot in computing the depth of a rear yard on the lot.



15692. The depth of a rear yard for an apartment house or hotel shall be measured at right angles from the extreme rear line of the building towards the rear lot line of the lot on which the building is situated. Measure-  
ment

15693. The depth of a rear yard of a dwelling designed to have a rear yard shall be not less than four feet. Rear yard:  
Dwelling

15694. Every front yard excavated below the curb or adjoining ground levels for the purpose of furnishing light and ventilation for a basement shall not be less in width than the width specified in this chapter for an outer court of the building on the lot on which the yard is situated. Front yard

15695. The width of a side yard shall be not less than the minimum width specified in this chapter for an outer court of the building on the lot on which the yard is situated; but if there is a side yard on each side of the building, connected together at the rear of the building by a rear yard, the width of each side yard may be reduced 12 inches. Side yard

### Article 3. Courts

15730. An outer court of an apartment house shall have a minimum width and maximum length corresponding to that set forth in the following table: Outer court:  
Apartment  
house

Height of apartment house in stories upwards from and including the low- est story in which there is an apartment	Minimum width of outer court in every part	Maximum length of outer court
2 stories-----	4 feet 0 inches	-----
3 stories-----	4 feet 6 inches	25 feet
4 stories-----	5 feet 0 inches	30 feet
5 stories-----	6 feet 0 inches	35 feet
6 stories-----	7 feet 0 inches	35 feet
7 stories-----	8 feet 0 inches	40 feet
8 stories-----	9 feet 0 inches	40 feet
9 stories-----	10 feet 0 inches	40 feet
10 stories-----	11 feet 0 inches	40 feet
11 stories-----	12 feet 0 inches	40 feet
12 stories-----	13 feet 0 inches	40 feet
13 stories-----	14 feet 0 inches	40 feet
14 or more stories-----	15 feet 0 inches	40 feet

Exception 15731. There is no maximum length for an apartment house outer court bounded on one side for its entire length by a lot line.

Additional width 15732. Except in the case of a court of an apartment house not more than two stories in height, six inches shall be added to the minimum width of each apartment house outer court the maximum length of which is prescribed by this article for each five, or fractional part of five, feet that the length of the court exceeds the maximum length.

Width computation 15733. If an outer court of an apartment house is bounded by a public alley or public park, the width of the alley or park may be considered a part of the lot in determining the required width of the court.

Outer court: Hotel 15734. An outer court of an hotel shall have a minimum width corresponding to that set forth in the following table:

Height of hotel in stories upwards from and including the lowest story in which there is a guest room or dormitory	Minimum width of outer court in every part
1 and 2 stories.....	4 feet 0 inches
3 stories.....	4 feet 6 inches
4 stories.....	5 feet 0 inches
5 stories.....	6 feet 0 inches
6 stories.....	7 feet 0 inches
7 stories or more.....	8 feet 0 inches

Dwelling 15735. The provisions of this article applicable to outer courts of apartment houses two stories in height are also applicable to outer courts of dwellings.

15736. An apartment house inner court, except one bounded on one side for its entire length by a lot line, shall have a minimum width and area corresponding to that set forth in the following table:

Inner court:  
Apartment  
house

Height of apartment house in stories upwards from and including the lowest story in which there is an apartment	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories-----	6 feet	75 square feet
3 stories-----	7 feet	120 square feet
4 stories-----	9 feet	160 square feet
5 stories-----	12 feet	250 square feet
6 stories-----	16 feet	400 square feet
7 stories-----	20 feet	625 square feet
8 stories or more-----	24 feet	840 square feet

15737. An apartment house inner court bounded on one side for its entire length by a lot line shall have a minimum width and area corresponding to that set forth in the following table:

Same

Height of apartment house in stories upwards from and including the lowest story in which there is an apartment	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories-----	5 feet	60 square feet
3 stories-----	6 feet	120 square feet
4 stories-----	7 feet	175 square feet
5 stories-----	9 feet	225 square feet
6 stories-----	12 feet	360 square feet
7 stories-----	15 feet	525 square feet
8 stories or more-----	18 feet	630 square feet

15738. Any inner court of an apartment house accommodating not more than two families above the first story may have a width one foot less than the minimum width otherwise required by this article, but the area of the court shall be not less than 60 square feet.

Exception



Inner court: 15739. An hotel inner court, except one bounded on one  
Hotel side for its entire length by a lot line, shall have a minimum width and length corresponding to that set forth in the following table:

Height of hotel in stories upwards from and including the lowest story in which there is a guest room or dormitory	Minimum width of inner court in every part	Minimum length of inner court
1 and 2 stories-----	5 feet	9 feet
3 stories-----	7 feet	10 feet
4 stories-----	10 feet	12 feet
5 stories-----	10 feet	16 feet
6 stories-----	12 feet	18 feet
7 stories-----	14 feet	20 feet
8 stories or more-----	16 feet	22 feet

Same 15740. An hotel inner court bounded on one side for its entire length by a lot line shall have a minimum width and length measured as and corresponding to that set forth in the following table:

Height of hotel in stories upwards from and including the lowest story in which there is a guest room or dormitory	Minimum width of court in every part measured at right angles to lot line	Minimum length of court measured parallel to the lot line
1 and 2 stories-----	4 feet	9 feet
3 stories-----	5 feet	10 feet
4 stories-----	6 feet	10 feet
5 stories-----	7 feet	10 feet
6 stories-----	8 feet	12 feet
7 stories-----	9 feet	13 feet
8 stories or more-----	10 feet	14 feet

15741. An inner court of a dwelling shall have a width not less than the minimum width required for an outer court of the dwelling, and shall contain an area of not less than 40 square feet. Dwelling

15742. Every inner court in an apartment house or hotel shall be provided with a door or window at or near its bottom permitting access to the court for cleaning purposes. Access to court

15743. Every inner court of an apartment house more than two stories in height from the lowest floor containing apartments shall be provided with an horizontal intake at its bottom, extending directly to a front of lot, front yard, rear yard, side yard, street, public alley, or public park. Intake:  
Apartment house

15744. The intake of an apartment house inner court shall consist of any of the following: Same

(a) An unobstructed duct or passageway having a minimum width of three feet in all its parts, and a minimum height of six feet six inches.

(b) An unobstructed open duct containing an interior aggregate area of not less than  $19\frac{1}{2}$  square feet, no dimension of which is less than three feet, covered at each end with a wire screen with a mesh one-half inch in diameter.

(c) If the inner court does not extend below the second floor level, an unobstructed open duct or ducts, containing an interior aggregate area of not less than 10 square feet, no dimension of which is less than 12 inches, covered at each end with a wire screen with a mesh one-half inch in diameter.

15745. Every inner court of an hotel more than two stories in height from the lowest floor containing guest rooms shall be provided with an horizontal intake at its bottom. Hotel

15746. The intake of an hotel inner court shall consist of an unobstructed open duct containing an aggregate area of not less than five square feet, covered at each end with a wire screen with a mesh one-half inch in diameter. Same

15747. Every inner court intake shall be (a) constructed of approved incombustible materials, (b) lathed with metal lath plastered not less than three-quarters of an inch thick, or (c) sheathed solidly with not less than twenty-five-thirty-seconds-inch boards covered with at least number 26 gauge galvanized iron. Materials

15748. Every inner court intake shall be closed at each end with a gate or grill having not less than 75 per cent open work. Gate

15749. Every inner court intake shall be drained, and shall be so constructed that it may be readily cleaned. Drain

**Walls** 15750. If they are surrounded on four sides by the walls of the building, the walls of every inner court of a semi-fireproof or wooden apartment house or hotel shall be constructed either of the materials specified for the inner court walls of fireproof buildings; or of wood studs, with fire stops between the studs at each floor and halfway between each floor, lathed on both sides with metal lath plastered not less than three-quarters of an inch thick.

The weather side of any such wall shall either be plastered with Portland cement plaster, or shall be sheathed solidly with not less than thirteen-sixteenths inch boards, covered with metal of not less than number 26 gauge.

## CHAPTER 8. HEIGHT OF BUILDINGS

**Building height** 15850. For the purpose of this chapter:

(a) The height of a building is the perpendicular distance from the actual adjoining sidewalk or ground level to the lowest point of the finished ceiling of the top story of the building.

**Street width** (b) The width of a street is measured from the extreme front of a building to the front of lot directly across the street.

**Semifire-proof building** 15851. The height of a semifireproof apartment house or hotel shall not exceed six stories at any point nor more than two times the width of the widest street abutting the lot on which the building is situated.

**Wooden building** 15852. The height of a wooden apartment house or hotel shall not exceed any of the following:

(a) Three stories for living or sleeping purposes at any point.

(b) More than two times the width of the widest street abutting the lot on which the building is situated.

(c) Fifty feet at any point above the adjoining sidewalk or actual ground levels.

**Exception** 15853. The height of a semifireproof or wooden apartment house or hotel may be more than two times the width of the widest street abutting the lot on which the building is situated, subject to the following conditions:

(a) That each story above that height is set back not less than six feet from the street facade of the story immediately below it.

(b) That any other height limit applicable to the building is not exceeded.

**Basement** 15854. Any wooden apartment house or hotel with not more than three stories for living or sleeping purposes at any point may have, in addition, a basement with a ceiling height of not more than eight feet above the adjoining sidewalk or ground levels. If, however, the basement contains any room used for living or sleeping purposes, it shall be counted as a story for living or sleeping purposes.



## CHAPTER 9. BASEMENTS

15901. No room in a basement of an apartment house or hotel shall be constructed, altered, or occupied for living or sleeping purposes unless it conforms to all the requirements of this part for living or sleeping rooms in other parts of the building. Rooms

15902. The walls and floor of every basement which are below the ground level shall be waterproof and dampproof, and, whenever ordered by the enforcement agency, the walls and ceiling shall be plastered. Walls and floor

15903. Every basement shall be ventilated. Ventilation

15904. If the ground adjoining a basement is excavated to or below the curb level, or to or below the adjoining natural ground level, the excavated space shall not be less in width than the minimum width specified in this part for the outer courts of the building in which the basement is situated. Excavation

## CHAPTER 10. LOWER FLOOR AIR SPACE

16000. There shall be a clear air space of at least 18 inches under the lowest floor, unless it is masonry floor, of every apartment house, hotel, or dwelling, measured from the under side of the floor joists to the surface directly beneath the floor joists. Air space

The clearance between the girders supporting the joists and the surface directly beneath the girders shall be at least 12 inches. Clearance

16001. The air space shall be inclosed and provided with a sufficient number of openings with screens, lattice work, or similar installations of a size to insure ample ventilation. Ventilation

16002. The air space shall be kept clean and free from any accumulation of rubbish, debris, or filth. Sanitation

## CHAPTER 11. ROOM AND HALLWAY DIMENSIONS

## Article 1. Room Dimensions

16050. Except as otherwise provided in this chapter, the provisions of this chapter do not apply to any of the following: Exceptions

- (a) A water-closet, bath, or slop-sink compartment.
- (b) A closet.
- (c) A recess from a room.
- (d) A dressing room.
- (e) An entertainment, amusement, or reception room.
- (f) A dormitory.

Floor area: 16051. In every apartment in an apartment house at least one room shall contain not less than 120 square feet of superficial floor area, and every other room shall contain not less than 90 square feet of superficial floor area.

Hotel 16052. Each guest room in an hotel shall contain not less than 90 square feet of superficial floor area. However, the superficial floor area in the room may be not less than 70 square feet if:

(a) The required aggregate window area in the room is not less than 16 square feet.

(b) It is not occupied or designed for occupancy by more than one person.

Dwelling 16053. Each room in a dwelling designed, built, or intended for sleeping purposes shall contain not less than 80 square feet of superficial floor area.

Kitchen 16054. Every kitchen in an apartment house or dwelling shall contain not less than 50 square feet of superficial floor area.

Width 16055. The minimum width of every room, except a kitchen, in an apartment house, of every room in an hotel, and of every room designed, built, or intended for sleeping purposes in a dwelling shall be not less than seven feet at any point within that portion of the room included in any computation of the minimum allowable floor area of the room.

Ceiling height: 16056. Every room in an apartment house more than two stories in height or in an hotel shall have a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling. In any such room required to have a minimum superficial floor area, the cubic air content shall not be less than a cubic air content computed on the basis of a nine-foot ceiling height, measured from the finished floor to the finished ceiling.

(Amended by Stats. 1939, Ch. 477.)

Dwelling 16057. Every room in a dwelling or in an apartment house not more than two stories in height shall have a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling.

(Amended by Stats. 1939, Ch. 477.)

Sloping ceiling 16058. If any room in any building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area of the room. No portion of the room measuring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area of the room, nor shall any portion of the room inclosure have a clear ceiling height of less than three feet.

16059. Any room added to any building shall have a ceiling height not less than that permitted in any other room on the story on which it is added, or not less than seven feet six inches, whichever is greater. Added room

If the added room has a sloping ceiling, the minimum ceiling height is required in only one-half its area. However, the clear ceiling height shall not be less than three feet in every portion of the room inclosure, and the cubic air content of the room shall not be less than a cubic air content computed on the basis of a clear ceiling height of seven feet six inches in every portion of the room. If a minimum superficial floor area is required in the room, no portion of the room in which the ceiling height is less than five feet, measured from the finished floor to the finished ceiling, shall be included in the computation of the area.

16060. Every water-closet compartment in any building shall be at least 30 inches in clear width. Water-closet compartment: Width

16061. Every water-closet, bath, or slop-sink compartment, and every closet or recess from a room shall have a ceiling height of not less than seven feet six inches, measured from the finished floor to the finished ceiling. If it has a sloping ceiling the minimum ceiling height is required in only one-half of its area. Ceiling height

16062. Every closet, recess from a room, or dressing room containing more than 25 square feet of superficial floor area in an apartment house designed and built to accommodate three or more families above the first story, and in an hotel shall conform to all of the provisions of this part applicable to rooms in the building. Closets, etc.

16063. Every amusement, entertainment, reception or public dining room, or room used for similar purposes, shall have a minimum height between the finished floor and the finished ceiling of not less than eight feet. Amusement rooms, etc.

## Article 2. Hallway Dimensions

16100. A public hallway from a stairway shall be measured in the same manner as the stairway; shall be not less than three feet six inches in width; and shall have a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling. Public hallway

If there are furred or occasional structural beams in the finished ceiling, the distance between the bottom of the beams and the finished floor shall not be less than seven feet six inches.



Added  
hallway 16101. Any hallway added to any building shall have a ceiling height not less than that permitted in any other hallway on the same story on which it is added, or not less than seven feet six inches, whichever is greater.

## CHAPTER 12. WINDOWS AND SKYLIGHTS

### Article 1. Buildings Erected Prior to August 17, 1923

Scope of  
article 16200. The provisions of this article apply only to buildings erected prior to August 17, 1923.

Window 16201. Every room occupied for living or sleeping purposes in an apartment house or hotel shall have a window of an area not less than eight square feet, opening directly upon a street, yard, or court; or upon an open and unobstructed shaft, without a roof or skylight over it, not less than 25 square feet in area and in no part less than four feet in width.

Skylight,  
etc. 16202. If a room is on the top floor of the building it may be ventilated by a skylight with fixed or movable louvers opening directly to the outer air; or it may have a window opening upon a vent shaft not less than 10 square feet in area, if the window is not more than three feet below the top of the shaft wall.

Glass area 16203. Unless the skylights met the requirements that were in effect when they were installed, they shall have an effective horizontal area of glass not less than eight square feet, and shall be provided with louvers containing a ventilating area of not less than 400 square inches.

Public  
hallway 16204. Any public hallway in an apartment house or hotel which does not meet the requirements of this part for public hallways shall be provided with light and ventilation to the outer air. The light and ventilation shall be provided by making alterations satisfactory to the enforcement agency.

### Article 2. In Rooms

Window 16221. In every building, each of the following rooms shall have one or more windows, unless it is permitted to be, and is, ventilated by a fan exhaust system of ventilation pursuant to the provisions of this article:

(a) Living room, bedroom, guest room, or dormitory.

(b) Kitchen, scullery, pantry (except a pantry in an apartment), or other room in which food is stored or prepared.

(c) Dining, general amusement, entertainment, reception, or general utility room.

(d) Room or compartment in which is installed a water-closet, shower, bathtub, or toilet.

(e) Slop-sink room.

16222. Each window shall open directly into a street or public alley, or a yard or court meeting the requirements of this part and located on the same lot as the building; but if it serves a water-closet or shower compartment, or a bath, toilet, or slop-sink room, it may open directly into a vent shaft. Opening:  
Yard, etc.

16223. A window required for a room in an apartment house or hotel shall not open through any roofed porch more than seven feet in depth, measured at right angles from the window unless the porch: Roofed porch

(a) Abuts a street, yard, or court.

(b) Is designed and constructed with one side and one end open and unobstructed, except for the usual rails, balustrades, and similar necessary structural features. If the porch is on the ground or main floor of the building, the open and unobstructed side and end shall be at least 65 per cent open and unobstructed, measured between the floor and the underside of the roof of the porch. If it is above the first or main story, such side and end shall be at least 90 per cent open and unobstructed, measured between the floor and the underside of the roof of the porch.

(c) Has a ceiling height of not less than seven feet.

16224. A window required for a room in an apartment house or hotel shall not open through a roofed porch less than seven feet in depth, unless at least one end or side of the porch is at least 50 per cent open and unobstructed, measured at a right angle from the window, and the porch has a ceiling height of not less than seven feet. Same

16225. A window required for a room in a dwelling shall not open through a roofed porch unless the porch: Same

(a) Abuts a street, yard, or court.

(b) Is designed and constructed with one side or end at least 50 per cent open and unobstructed, measured between the floor and the underside of the porch roof, except for the usual rails, balustrades, and similar necessary structural features.

(c) Has a ceiling height of not less than seven feet.

16226. No window serving a living room, bedroom, kitchen, or other room in which food is stored, cooked, or prepared in an apartment house or hotel shall open into a vent shaft. Vent shaft

16227. Each required window shall be so located as to light properly all portions of the room it serves, and shall be so made and arranged that at least one-half of the aggregate window area required in the room may be opened without obstruction. Location

Window area 16228. The total window area shall be not less than 12 square feet or one-eighth of the superficial floor area, whichever is the greater, in each of the following rooms:

(a) In an apartment house, every room except a pantry.

(b) In an hotel, every room, including a general utility room, a kitchen, scullery, pantry, or other room in which food is stored or prepared.

(c) In a dwelling, every kitchen, and every room used for living and sleeping purposes.

Same 16229. The total window area in a water-closet compartment, or bath, toilet, or shower room shall be:

(a) In a dwelling, not less than three square feet.

(b) In an apartment house or hotel, not less than six square feet.

If the room contains more than one water-closet, bath, or urinal, the total window area shall be equivalent to three square feet for each water-closet, bath, or urinal, but need not exceed one-fourth of the superficial floor area of the room.

Same 16230. In every building the total window area of each room used, or intended or designed to be used, for amusement, entertainment, reception, public dining, or similar purposes, shall not be less than one-eighth of the superficial floor area of the room, nor less than 12 square feet, but it need not exceed  $22\frac{1}{2}$  square feet.

Same 16231. The area of each window in a room in an apartment house or hotel shall not be less than six square feet.

Same 16232. All measurements for window area shall be taken to the outside of the window sash.

Fan exhaust system 16233. In lieu of any window required by this article, the following rooms in apartment houses and hotels may be provided with an approved fan exhaust system of ventilation:

(a) In hotels.

(1) Kitchen, scullery, pantry, or other room in which food is stored, cooked, or prepared.

(2) Laundry room.

(3) Slop-sink room.

(b) In apartment houses or hotels.

(1) Public dining, general amusement, entertainment, reception, or general utility room.

(2) Water-closet or shower compartment, bath or toilet room.

Operation 16234. The fan exhaust system of ventilation shall be so designed and operated as to produce a complete change of air in not more than:

(a) Five minutes in a scullery in an hotel, and in a water-closet or shower compartment, or bath, toilet, or slop-sink room in an apartment house or hotel.



(b) Fifteen minutes in every other room in an apartment house or hotel.

16235. Any person in charge of a building in which a fan exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses to operate and maintain the system in good order and repair so that the air in each room for which it is provided is not completely changed within the specified intervals, is guilty of a misdemeanor. Failure to operate

### Article 3. In Public Hallways

16261. For the purpose of this article, any part of a public hallway in an apartment house which is offset, recessed, or cut off from any other part of the hallway, and which is more in length than three times the width of the hallway, is a separate public hallway. Separate hallway

16262. In an apartment house, every public hallway that serves three or more apartments on any floor, and in an hotel, every public hallway that serves five or more guest rooms on any floor, shall have at least one window, unless it is permitted to be, and is, lighted or ventilated by a skylight, a connecting hallway, or a fan exhaust system of ventilation, pursuant to the provisions of this article. Window

16263. Each window shall open directly into a street, or a yard or court meeting the requirements of this part and located on the same lot as the building. Opening: Street, etc.

16264. The window shall not open through any roofed porch except a roofed porch through which a required window in a room of an apartment house or hotel may open. Roofed porch

16265. Each window shall be so placed at either the end of or at some other location in the hallway as to secure a maximum of light into the hallway, and shall be so made and arranged that at least one-half of it may be opened without obstruction. Location

16266. Each window shall be at least 29 inches in clear width and 58 inches in height. Its finished sill shall not be more than 30 inches above the adjoining finished floor. Dimensions

16267. A public hallway in an apartment house or hotel not exceeding two stories in height may, in lieu of any window required by this article, be lighted and ventilated by one or more skylights. Skylight

16268. Each skylight shall be so located that no portion of the hallway will be more than 20 feet, measured from a vertical projection, from a skylight opening. Location

**Glass area** 16269. Each skylight shall have an effective horizontal area of glass of not less than 15 square feet, and shall be provided with ridge ventilators or fixed or movable louvers containing a ventilating area of not less than 500 square inches.

**Fan exhaust system, etc.** 16270. A public hallway in a fireproof hotel may, in lieu of any window, be:

(a) Lighted and ventilated by a connecting public hallway equipped with a window or skylight meeting the requirements of this article.

(b) Ventilated by an approved fan exhaust system of ventilation designed and operated to produce a complete change of air in the hallway in not more than 15 minutes.

**Failure to operate** 16271. Any person in charge of a building in which a fan exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses to operate and maintain the system in good order and repair so that the air in each public hallway for which it is provided is not completely changed within the specified intervals, is guilty of a misdemeanor.

#### Article 4. For Stairways

**Skylight: Location** 16300. In an apartment house two or more stories in height containing more than three apartments above the first floor, and in an hotel two or more stories in height containing more than five guest rooms above the first floor, a ventilating skylight shall be provided at the roof directly as practicable over each stairway, unless the stairway is provided with windows and ventilated pursuant to the provisions of this article.

**Materials** 16301. Each skylight, including the ventilating openings, and the shutters and closing and opening devices for the ventilating openings, shall be made of approved incombustible materials. Each skylight shall be so arranged that its entire ventilating area may be readily opened, or its ventilators may be fixed permanently in an open position.

**Area: Ventilation** 16302. The ventilating area in each skylight shall be not less than 500 square inches.

**Glass** 16303. If the skylight is placed in an apartment house or hotel two stories in height, it shall have a minimum effective horizontal area of glass of at least 20 square feet. If it is placed in an apartment house or hotel more than two stories in height, it shall have a minimum effective horizontal area of glass of at least 20 square feet, plus three square feet for each story in excess of two.

**Opening** 16304. A vertical opening partially or entirely surrounded by the stairway and extending from the lowest story of the apartment house or hotel in which there are living or sleeping

rooms to the skylight, shall be maintained in connection with the skylight. The opening shall have an horizontal area of at least seven square feet, and shall not be less than one foot in any dimension.

16305. The skylight required by this article may be omitted if windows similar to those required by this chapter for public hallways of apartment houses or hotels are placed at a location adjoining a stairway. Each window shall be provided with an open louver or ventilator containing a ventilating area of not less than 100 square inches. The louver or ventilator may be placed in the roof over the stairway, in which event its ventilating area shall be not less than 500 square inches. Window

### CHAPTER 13. STAIRWAYS

16400. For the purpose of this article: Floor area

(a) Floor area includes all the area inside the exterior walls of a building, excluding any area occupied by vent shafts and courts.

(b) The floor above the first or ground floor having the largest floor area shall be used as the basis for computing the number of stairways required in any apartment house or hotel. However, the number of stairways from that portion of a building above the floor having the largest floor area may be computed on the basis of the floor having the largest floor area in that portion of the building. Computation basis

(c) The width of each stairway shall be measured in the clear of all projections except (1) the baseboard, and (2) one handrail or newel post on each side projecting not more than four inches into the stairway width. Width measurement

16401. Every fireproof apartment house or hotel shall have not less than one stairway which shall be not less than three feet six inches wide for each 6,000, or fractional part of 6,000, square feet of floor area in any one floor above the first floor. Fireproof building

16402. Every semifireproof apartment house or hotel shall have not less than one stairway, which shall be not less than three feet six inches wide for each 4,000, or fractional part of 4,000 square feet of floor area in any one floor above the first floor. Semifireproof building

16403. Every wooden apartment house or hotel shall have not less than one stairway, which shall be not less than three feet six inches wide for each 3,000, or fractional part of 3,000, square feet of floor area in any one floor above the first floor. Wooden building

16403.5. In an apartment situated only on the first and second stories of an apartment house, any required stairway terminating at the second story and for the exclusive use of the occupants of the apartment and their invitees, may be not less than three feet in width. Apartment on first and second story

(Added by Stats. 1939, Ch. 477.)



**Basement stairway** 16404. Every apartment house or hotel three or more stories in height shall have not less than one stairway leading from the outside to every basement or cellar in the building.

**Room egress** 16405. Each of the following buildings shall be so designed and constructed that every apartment or guest room within it shall have not less than two means of egress to the floor next below the floor on which the apartment or guest room is located, and to a street, or to a yard or court having unobstructed access to a street or public alley:

(a) An apartment house three or more stories in height.

(b) An apartment house two or more stories in height, in which there are more than four apartments above the first floor.

(c) An hotel three or more stories in height.

(d) An hotel two stories in height in which there are more than six guest rooms above the first floor.

**Same** 16406. Each means of egress shall be either a stairway or fire escape constructed in accordance with this part.

**Same** 16407. Each means of egress shall be accessible from every apartment, or guest room, either directly or through a public hallway, and shall be so located that if one becomes blocked, the other shall be available.

**Elevator abutment** 16408. No stairway in any building shall abut on more than one side of an elevator shaft, except on the lowest and topmost stories, and then only if the stairway is so located that it can be approached from the street entrance without having to pass by or in front of the open side of the shaft.

**Location over furnace, etc.** 16409. No stairway in any building shall be located over a furnace, steam boiler, or gas meter or heater; nor shall any such furnace, boiler, meter, or heater be placed under a stairway, unless it is located in a room the walls and ceilings of which meet the wall and ceiling requirements for boiler rooms. No stairway leading from any other portion of a building shall terminate in or pass through a boiler room.

**Rise and run** 16410. Every stairway in an apartment house or hotel shall have a rise of not more than eight inches and a run of not less than nine inches, without change in the rise or run between floors. It shall also have a vertical headroom clearance of not less than seven feet.

**Stairway landing** 16411. In every apartment house or hotel three or more stories in height, the depth of every stairway landing shall be not less than the width of the stairway. The tread in every stairway shall be of equal width for every run of stairs, and shall not vary in the width of the stairs.

16412. Each stairway required in an apartment house or hotel three or more stories in height shall be continuous from the ground floor level to the top story, and shall be located in such manner that each flight will be directly above the flight below it, or in plain view of each succeeding flight. One-half of the total number of stairways from the upper floors may terminate at the second floor if:

(a) The aggregate width of the remaining stairways from the first to the second floor is increased not less than 50 per cent.

(b) The building has at least two stairways reaching the first floor, or one stairway reaching the first floor and at least one fire escape equipped to reach the ground.

16413. Every stairway shall have at least one handrail. If a stairway is five feet or more in width, it shall have one handrail on each side.

16414. Any stairway not required by this part shall not be less than 30 inches in width.

16415. No closet shall be constructed under any wooden stairway in any apartment house or hotel more than two stories in height designed and built to accommodate three or more families or six or more guests above the first story. The space under the stairway shall be left entirely open, and kept clean and free from all encumbrances; or it shall be effectively closed with walls of studs, lathed with metal lath plastered not less than three-quarters of an inch thick, without a door or any other opening.

16416. In every apartment house or hotel more than two stories in height, the stairway nearest the main entrance of the building shall be carried to the roof level and give egress to the roof through a penthouse or roof structure if the pitch of roof makes it practicable to construct a penthouse or roof structure with safety to the occupants who may have occasion to use the egress. The portion of the stairway from the top-most story to the roof level shall not be less in width than two feet six inches.

16417. The penthouse shall be built either of fireproof materials or of wood studs, lathed with metal lath plastered not less than three-quarters of an inch thick; or may be covered with tin or other metal.

16418. The door to the roof from the penthouse or roof structure shall be self-closing, shall open outward, and shall be covered on both sides and edges with tin or other metal.

16419. The frames and trim of the opening for the door shall be covered with tin or other metal, and all glass in the door shall be wired glass not less than one-quarter of an inch thick.

Scuttle 16420. If the pitch of roof of an apartment house or hotel makes it impracticable to construct a penthouse or roof structure, the stairway nearest the main entrance of the building need not be carried to the roof level. However, a scuttle not less than two by three feet shall be constructed through the ceiling and roof in the public hallway over the stairway; and a stairway or stationary ladder not less than 20 inches wide and with rungs not more than 12 inches apart, leading from the top floor to the roof, shall be installed.

Building in existence August 17, 1923 16421. Every apartment house or hotel more than two stories in height, in existence on August 17, 1923, which is not provided with a stairway carried to the roof, shall afford egress to the roof through a penthouse, or through a scuttle not less than two by three feet, located in the ceiling of a public hallway; and shall have a stairway or stationary ladder, readily accessible to all the tenants of the building, leading from the top floor to the roof.

Door fastening 16422. No scuttle or penthouse door in any hotel or apartment house shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock.

Dwelling egress 16423. Every dwelling more than two stories in height shall have a least two means of egress from the topmost story to the second story. Each means of egress shall be either a stairway or a fire escape.

## CHAPTER 14. FIRE ESCAPES

### Article 1. Number and Kind Required

Floor area 16500. For the purpose of this chapter, floor area includes all the area inside the exterior walls of a building, excluding any area occupied by vent shafts and courts.

Minimum number 16501. Every apartment house or hotel more than two stories in height shall have at least one fire escape.

Additional: Fireproof building 16502. If the building is a fireproof apartment house or hotel in which the floor area on any one floor above the second floor exceeds 6,000 square feet, it shall have one additional fire escape for each 5,000, or fractional part of 5,000, square feet of floor area on such floor in excess of the first 6,000 square feet.

Semifire-proof or wooden building 16503. If the building is a semifireproof or wooden apartment house or hotel in which the floor area on any one floor above the second floor exceeds 4,000 square feet, it shall have one additional fire escape for each 5,000, or fractional part of 5,000, square feet of floor area on such floor in excess of the first 4,000 square feet.



16504. Any fire escape required by this part in an apartment house or hotel shall be one of the following types: Type of fire escape

- (a) Type 1.
- (b) Type 2.
- (c) Type 3.
- (d) Type 4.
- (e) Type 5.

It shall conform to all the provisions of this chapter relating to its particular type.

## Article 2. Location

16520. Every fire escape required by this part for a building shall be so located on the building as to furnish the best means of escape for the occupants. On a semifireproof or wooden apartment house or hotel at least one required fire escape shall be located on a street front. Generally

16521. Every fire escape balcony or vestibule installed on any building shall abut a street or public alley, or open directly on a yard or court having the dimensions specified in this part. Balcony or vestibule

16522. Fire escapes shall be so located that access may be had to a fire escape from the interior of the building for which they are provided through any of the following means: Means of access

- (a) A public hallway not less than three feet wide.
- (b) Directly from each apartment in an apartment house or guest room in an hotel, without having to pass through another apartment or guest room.
- (c) A public parlor, public lobby, or similar room connected directly with a public hallway through a clear and unobstructed opening without doors.

16523. If any fire escape installed on any building terminates at the bottom in a yard or court, there shall be provided a clear and unobstructed passageway not less than three feet in width and not less than seven feet in height leading from the yard or court to a street or alley. Passageway: Dimensions

16524. Any portion of the passageway that passes through a building or other structure shall be constructed entirely of approved incombustible materials; or the walls and ceilings of such portion shall be lathed with metal lath plastered not less than three-fourths of an inch thick, or lined with number 26 gauge galvanized iron on solid sheathing of not less than thirteen-sixteenths-inch boards. Materials

16525. Any door on any opening into the passageway shall be metal lined, and any glass in any door or in any window of the passageway shall be wired glass not less than one-fourth of an inch thick, set in metal or metal covered sash and retained in place by metal covered stops or metal glazing angles. Door

Same 16526. Every swinging door on any opening into the passageway shall open only in the direction of egress from the passageway.

Signs 16527. Signs both pointing toward and marking the locations of fire escapes shall be placed on each floor of the building for which the fire escapes are installed.

### Article 3. Strength and Supports

Platform 16540. Each fire escape balcony platform shall be designed to carry its own dead load, a live load of 100 pounds for each square foot of its area, computed by using outside dimensions, and the live and dead loads from the ladders or stairs supported by it.

Ladder 16541. Each fire escape ladder shall be designed to withstand a horizontal pressure of 100 pounds per square foot.

Load 16542. Each fire escape stairway shall be designed to carry its own dead load and a live load of 150 pounds per square foot of horizontal projection.

Top rail 16543. Each top rail of a fire escape balcony balustrade shall be designed to withstand a horizontal pressure of 100 pounds per lineal foot of railing.

Balcony 16544. Each fire escape balcony shall be independently supported.

Fastenings 16545. The fastenings of a fire escape balcony to a building shall be designed to carry a 25 per cent greater load than the total dead and live loads carried by the balcony. The balcony anchorage shall be direct to the structural steel or iron members of the balcony balustrade and platform, and shall be extended into the walls and anchored into the structural work of the building.

### Article 4. Door and Window Openings

Sill level 16560. The level of the inside sill of a door or window in a building giving access to a fire escape balcony shall be not more than 30 inches above the adjoining floor in the building.

Dimensions 16561. The door or window opening shall be not less than 29 inches in clear width, nor less than 58 inches in height.

Type 16562. The window or door openings shall be of a type that will not obstruct the fire escape.

Sash 16563. If double-hung windows are used in the opening, the lower sash shall be at least the size of the upper sash, and shall slide to the top of the opening.

16564. Any lock on any window opening shall be of a Lock type which can be readily opened from the interior of the building without the use of a key or other tool.

#### Article 5. Type 1 Fire Escape

16600. A type 1 fire escape shall be constructed entirely Generally of galvanized metal, and shall have:

(a) A balcony at each story above the first story of the building for which it is provided.

(b) An inclined stairway connecting all balconies.

(c) A gooseneck ladder connecting the topmost balcony to the roof of the building.

16601. The fire escape shall be framed and riveted or Support, etc. bolted together in a solid and substantial manner; and shall be properly supported, braced, and fastened to the outside walls of the building so that it will be rigid, durable, and secure, and able to carry the loads prescribed by this chapter.

16602. The lowest balcony of the fire escape shall be not Balcony: Lowest more than 14 feet above the street or ground level directly under it, unless it is equipped with a counterbalanced or permanent ladder which reaches the ground.

16603. Every balcony platform shall be fastened to the Platform outside wall of the building by building in and anchoring, or by securely bolting, it and its balustrade framing to the wall. Every balcony shall be supported by brackets, braces, or struts fastened, or built in and anchored, to the walls.

16604. Each balcony shall be not less than 44 inches in Width width nor less than 33 square feet in area.

16605. The balustrade of each balcony shall be not less Balustrade than 34 inches high, and shall be without any opening greater than eight inches in horizontal dimension.

16606. No opening, except the stairway opening, in a balcony Opening platform shall be greater than one inch in width.

16607. The stairway opening in a balcony shall be not less Same than 21 inches wide, nor less than 40 inches long.

16608. The inclined stairway connecting the balconies shall Connecting stairway be not less than 18 inches in width, and shall be so placed that it will in no part be nearer than 21 inches from the face of the wall.

16609. The stairway shall have an inclination of not less Inclination than four and not more than six inches, measured horizontally, to each 12 inches of vertical height.



- Treads 16610. The stairway treads shall be not less than four inches wide, and shall be placed not more than 12 inches apart.
- Handrail 16611. Each side of the stairway shall have a handrail not less than one inch in diameter, fastened to the stair stringers and continued around the stairway opening of each balcony platform.
- Ladder:  
Bracing 16612. The gooseneck ladder shall be securely braced and fastened to the outside wall, but shall not pass in front of any opening in the wall to the interior of the building.
- Width, etc. 16613. The ladder shall be not less than 15 inches wide. It shall extend vertically from the topmost balcony to a point three feet above the fire wall or roof, and shall then be brought down and fastened to the inside face of the fire wall or the roof.
- Rungs 16614. The rungs of the ladder shall be not less than five-eighths inch round iron or steel, and shall be placed not more than 14 inches apart.
- Cornice  
opening 16615. Any cornice opening for the passage of the ladder shall be not less than 24 inches in width and 24 inches in the clear outside the ladder.

#### Article 6. Type 2 Fire Escape

- Definition 16640. A type 2 fire escape is a type 1 fire escape, except that it has balconies made of reinforced concrete or fireproofed iron or steel, with fastenings of similar material.

#### Article 7. Type 3 Fire Escape

- Definition 16650. A type 3 fire escape is any inclosed, approved, metallic, spiral fire escape, consisting of a rigid form of an inclined chute constructed entirely of incombustible material.
- Construction 16651. It shall meet the satisfaction of the enforcement agency as to its being as solid, substantial, durable, and fireproof in construction as a type 1 fire escape.
- Attachment 16652. It shall be securely attached to the outside wall of the building for which it is provided.
- Ingress and  
egress 16653. It shall be provided with proper means of ingress from the building, proper means of egress at its bottom, and means of enabling firemen to reach the roof from the ground.
- Standpipes 16654. It shall be equipped with standpipes.
- Safety and  
efficiency 16655. It shall provide at least as safe and efficient a means of escape for the occupants of the building as, and shall furnish all the protection and utility afforded by, a type 1 fire escape.

## Article 8. Type 4 Fire Escape

16670. A type 4 fire escape is a fire and smoke tower consisting of a wall-inclosed stairway which: Definition

(a) Extends from the first floor exit level to the roof of the building for which the fire escape is provided, and is not less than 20 inches in width.

(b) Is constructed of reinforced concrete, iron, or steel, or a combination of these materials.

(c) Has one handrail on each side for its entire length.

(d) In all other details conforms to the provisions of this chapter relating to stairways of type 1 fire escapes.

16671. The tower shall be constructed at a point adjoining the exterior walls of the building. Location

16672. The tower shall be entirely inclosed with walls of brick, terra cotta tile, concrete, or reinforced concrete, not less than eight inches thick. Walls:  
Materials

16673. There shall be no openings in the walls of the tower into the building. Openings

16674. The walls shall extend from the basement to a point three feet above the roof of the building. Extension

16675. There shall be no covering over the tower except a covering constructed of approved incombustible materials and provided with permanent open louvers or other permanent unobstructed openings to the outer air having an aggregate open area equivalent to 50 per cent of the aggregate superficial area of the covering. Covering

16676. The walls of the tower shall not be used to carry or support any floor joist, beam, girder, or other structural feature of the building, nor shall they be chased for any pipe, conduit, or other purpose. Use for  
support

16677. The tower shall have an exit at the first floor level opening directly to a street or yard, and shall have an entrance by means of an outside balcony at each floor. Exit and  
entrance

16678. Each balcony shall have a solid floor and, in all other details, shall conform to the requirements for type 1 fire escapes. Balcony:  
Floor

16679. Each balcony shall be located and arranged to connect with a door opening from a public hallway in the interior of the building and with a door opening from the balcony to the tower. Each door opening shall be not less than 30 inches wide by 72 inches high, and shall be equipped with metal-covered doors. The frame and threshold of each door opening shall be constructed of fireproof materials. Location.  
etc.

## Article 9. Type 5 Fire Escape

**Definition** 16690. A type 5 fire escape is a type 4 fire escape, except for the deviations permitted by this article.

**Vestibules:** 16691. Instead of an outside balcony at each floor, there shall be a vestibule at each floor with inclosing walls continuous with, and of the same materials and thickness as, the inclosing walls of the tower.

**Opening** 16692. The vestibule opening shall be direct from a public hallway, and shall be equipped with metal-covered doors.

**Floor** 16693. The vestibule floor shall be of masonry construction.

**Inclosure opening** 16694. The vestibule inclosure shall have an opening at each floor through the exterior wall of the building, extending from the floor to the ceiling and not less in width than three-fourths of the width of the vestibule. The opening shall be protected with an open metallic balustrade similar to that specified for balconies of a type 1 fire escape.

## Article 10. Maintenance and Repair

**Maintenance and repair** 16705. Every fire escape in or on an apartment house or hotel shall at all times be maintained in good order and repair, be well painted, be kept clear and unobstructed, and be readily accessible.

## CHAPTER 15. COMBINED STAIRWAY AND FIRE ESCAPE

**Type 4 or 5 fire escape** 16720. A type 4 or type 5 fire escape in an apartment house or hotel may be used as a combined stairway and fire escape, and may be computed as one of the stairways and one of the fire escapes required in the building, if there is at least one other stairway in the building constructed in accordance with the provisions of this part and extending to the first or ground floor of the building.

**Top to second story stairway** 16721. In a fireproof hotel a stairway continuous from the topmost story to, and terminating at, the second story level, may be used as a combined stairway and fire escape, and may be computed as one of the stairways and one of the fire escapes required in the building, if:

(a) It is completely inclosed with walls of masonry.

(b) The door openings in the walls are equipped with self-closing doors covered with metal on both sides and all edges.

(c) All glass in the doors is wired glass not less than one-fourth of an inch thick.

(d) The stairway terminates in a fireproof passageway which:

(1) Is not less than four feet wide.

(2) Has a ceiling height of not less than eight feet.



- (3) Has walls, a ceiling, and floors constructed of masonry.
- (4) Has doors meeting the requirements for doors in the stairway wall inclosure.
- (5) Extends directly to the exterior walls of the building abutting a street.
- (6) Ends in a fire escape balcony meeting the requirements of this part for balconies of type 1 fire escapes, and equipped with an approved stairway device reaching, or fixed in such manner that it can be readily lowered to reach, the ground or sidewalk level.
- (e) There is always readily accessible another stairway extending to the first or ground floor level.

## CHAPTER 16. STANDPIPES

16740. Every apartment house or hotel four or more stories in height shall have one or more metallic standpipes not less than four inches in internal diameter. Requirement

16741. Each standpipe shall have a Siamese inlet valve not less than one foot nor more than four feet above the sidewalk or the ground directly under it, and an outlet valve at each story above the first story and on the roof. Valves:  
Location

16742. One standpipe shall be placed on or in the exterior walls of the building at one fire escape, and each of its outlet valves shall be readily accessible from one end of the fire escape balcony on the story on which the valve is located. Accessibility

16743. The inlet and outlet valves on every standpipe shall be threaded, and shall be of a size that can meet the standard fire equipment connections of the fire department of the locality in which the apartment house or hotel is erected. The materials used in, and the installation of, the standpipe shall meet with the approval of the enforcement agency. Threading,  
size, etc.

16744. The standpipes required by this chapter need not be installed in any apartment house or hotel until such time as it becomes practicable and possible to obtain running water for the efficient use of the standpipes in case of fire. The enforcement agency shall decide whether or not it is possible and practicable to obtain running water. Time of  
installation

## CHAPTER 17. SHAFTS

16770. As used in this chapter, "shaft" means an elevator shaft, a dumb-waiter shaft, or other interior shaft. "Shaft"  
defined

16771. Every shaft in a fireproof apartment house or hotel shall be inclosed in walls constructed of concrete, reinforced concrete, brick, terra cotta tile, or other similar hard incombustible material; or in walls constructed of metal studs lathed with metal lath plastered on both sides so as to make a solid Inclosing  
walls:  
Fireproof  
building

partition not less than two inches thick, the metal to be imbedded thoroughly in the plaster.

**Semifire-proof or wooden building** 16772. Every shaft in a semifireproof or wooden apartment house or hotel shall be inclosed by the same kind of walls required by this part for a fireproof building; or by walls constructed of wood studs, with firestops between the studs at each floor and half way between each floor, lathed on both sides with metal lath plastered not less than three-quarters of an inch thick.

**Door opening** 16773. Every opening from any shaft into the building in which the shaft is installed shall be equipped with a metal door, together with a metal door frame and trim, or the door and door frame shall be constructed of wood covered with metal on the shaft side of the door and door frame.

**Window** 16774. Every window in a shaft or shaft door shall be of wired glass not less than one-fourth of an inch thick, set in a metal sash, or a sash metal-covered on the shaft side of the window.

**Closing** 16775. Every door or window in a shaft shall close tight, and every door, except an elevator door, in the shaft shall be self-closing.

**Skylight** 16776. At the roof over every elevator shaft there shall be a ventilating skylight or a ventilator with open louvers to provide ventilation for the shaft.

## CHAPTER 18. AIR DUCTS

**Construction** 16800. Every duct used for the transmission of air, whether for ventilating, cooling, or heating purposes, and forming part of any mechanical system of ventilation or air conditioning system, installed in any apartment house or hotel, shall be constructed of either of the following materials:

(a) Approved incombustible materials.

(b) Galvanized iron not less than number 26 gauge, with lock-jointed seams and with all joints connecting each duct unit effectively riveted or otherwise securely attached.

## CHAPTER 19. VENT SHAFTS

**Walls** 16820. Every vent shaft in an apartment house or hotel shall be inclosed with walls meeting the requirements of this part for elevator shaft walls in the building.

However, in a semifireproof or wooden apartment house or hotel, the outside or weather side of the vent shaft, and that portion of the shaft extending from the ceiling joists to the top of the building, may be lined with metal in lieu of metal lath and plaster. If metal lining is used in the shaft, the shaft shall be sheathed solid with boards not less than twenty-five thirty-seconds of an inch in thickness.

16821. Plaster on the weather side of any vent shaft shall be Portland cement plaster. Plaster

16822. Every opening from any vent shaft into the building for which it is installed, and every window in the shaft, shall be equipped in compliance with the requirements of this part for openings and windows in elevator shafts in the building. Openings

16823. An apartment house vent shaft bounded on one or more sides by a lot line shall be not less than two feet in its least dimension, and not less than 16 square feet in area. Dimensions: Apartment house

Every other apartment house vent shaft shall be not less than four feet in its least dimension, and not less than 16 square feet in area.

If any apartment house vent shaft exceeds 50 feet in height, measured from the bottom to the top of its walls, it shall throughout its entire height be increased in area one square foot for each additional 10, or fractional part of 10, feet above 50 feet.

16824. An hotel vent shaft shall be not less than 30 inches in its least dimension, and not less than 12 square feet in unobstructed area. Hotel

16825. A dwelling vent shaft shall be not less than three feet in its least dimension. Dwelling

16826. Every vent shaft shall be open and unobstructed to the sky.

16827. A parapet or rail at least 30 inches in height shall be constructed at the roof line of every vent shaft in an apartment house or hotel so that no person may walk or fall into the shaft. Parapet or rail

16828. Plumbing, gas, steam, or other similar pipes may be placed in vent shafts in apartment houses or hotels. Pipes in vent shafts

16829. Every vent shaft in an apartment house shall be provided with a door or window at or near its bottom permitting access to the shaft for cleaning purposes. Door or window

16830. Every vent shaft shall be so arranged that it may be readily cleaned. Cleaning

16831. Every vent shaft in an apartment house or hotel, except an apartment house or hotel not more than two stories in height from the lowest floor used for living and sleeping purposes, shall be provided with an air intake, not less than three square feet in total area, at or near its bottom, communicating with a street, yard, or court. Air intake



- Ducts 16832. The intake may be divided into not more than three separate ducts running between the joists or otherwise. The ducts shall be as nearly horizontal as possible.
- Materials 16833. Each intake or duct shall be constructed of approved fire resistive material or of metal, or shall be metal lined.
- Wire screen 16834. Each intake or duct shall be provided with a wire screen, having not less than one-inch mesh, at each end.
- Space 16835. Whenever the end of an intake is capped, hooded, or otherwise covered, there shall always be provided a clear space of not less than four inches above and between the end of the intake and the lower part of the cap, hood, or other covering.

## CHAPTER 20. GAS APPLIANCE VENTS

- Vent pipe 16900. Every gas water heater and, except as otherwise permitted in this chapter in the case of a kitchen gas range, every gas-fired appliance which is designed to be a vented appliance, as shown by the presence of a vent collar to which a vent may be attached, shall be provided with a vent pipe, which may be of sheet metal not smaller than the vent connection on the appliance nor less than two and one-half inches in internal diameter, and which shall be connected to a vertical, or substantially vertical, flue, vent, or chimney leading to the outer air.
- Chimney: Construction 16901. The flue, vent, or chimney shall be either a terra cotta patent chimney; or shall be constructed of brick, fire clay, or a similar masonry product, not less than one-half of an inch thick, or of approved durable pipe having a wall thickness which will give an insulating value equal to a terra cotta patent chimney or a masonry product, and which will not disintegrate from the effects of gas fumes and other products of combustion.
- Internal area 16902. The internal area of the flue, vent, or chimney shall not be less than 12 square inches. If the flue, vent, or chimney is rectangular in shape, it shall not be less than two inches in any internal dimension.
- Gas range: Venting 16903. A gas range in the kitchen of every building shall be vented by one of the following means:
- (a) A flue, vent, or chimney similar to that required by this chapter for gas water heaters, placed in the wall of the kitchen adjacent to the gas outlet and connected with the oven of the gas range.
  - (b) A ventilator opening in the wall or ceiling approximately over the gas outlet, having an area of not less than six

by eight inches and connecting with a ventilating duct of not less than 36 square inches in cross-sectional area leading to the outside air.

(c) An approved system of forced draft ventilation.

16904. Any duct designed for use in connection with any <sup>Ducts</sup> approved system of forced draft ventilation or natural draft ventilating arrangement, installed in any building pursuant to this chapter, shall meet the requirements for ducts in apartment houses or hotels.

16905. Every gas vent, gas water heater, or other gas <sup>Repair</sup> appliance shall be maintained in good repair.

## CHAPTER 21. BOILER ROOMS

16950. In every apartment house or hotel, every boiler for <sup>Boiler in-</sup> heating the building, using a fuel other than gas, and every <sup>stallation</sup> heating furnace or water heating apparatus using oil or other liquid fuel, shall be installed in a room meeting the requirements of this chapter.

16951. The walls of the room shall be built of concrete, <sup>Walls</sup> reinforced concrete, brick, stone, or concrete or terra cotta tile, not less than six inches thick, and shall extend from the floor to the ceiling of the room.

16952. The room shall either have two ceilings with a space <sup>Ceilings</sup> not less than one and one-half inches between them, each of which shall be lathed only with metal lath plastered not less than three-quarters of an inch thick; or one ceiling constructed of masonry.

16953. The floor of the room shall be of masonry not less <sup>Floor</sup> than two inches thick.

16954. Every door in a wall of the room shall be an approved <sup>Door:</sup> fire-resisting door, or a door constructed of three thicknesses <sup>Materials</sup> of twenty-five thirty-seconds of an inch by not more than six-inch tongued and grooved matched boards entirely covered on the sides and edges with lock-jointed tin.

16955. Each door shall be self-closing, and hung so as to <sup>Closing</sup> overlap the wall by at least three inches.

16956. Each door shall have hinges, hangers, latches, and <sup>Hinges, etc.</sup> other hardware of wrought iron, bolted to it. If it is a sliding door, it shall have steel tracks, with wrought-iron stops and binders bolted through the wall. If it is a swinging door it shall have wall-eyes of wrought iron, built into or bolted through the wall. Combustible materials shall not be used in hanging the door or its fittings.

**Sill** 16957. The room shall have a masonry sill across each door opening not less than four inches high, over which the doors shall lap by at least three inches; or shall have a steel or iron sill across each door opening, on the top of which the bottom of the door shall close tight. Every swinging door shall open outward from the room.

(Amended by Stats. 1939, Ch. 477.)

**Glass** 16958. Glass in any door, window, or other opening in a wall of the room shall be wired glass, not less than one-fourth of an inch thick, set in a metal or metal-covered sash and frames. It shall be retained in place by metal-covered stops or metal glazing angles.

**Oil feed** 16959. Oil or other liquid fuel burned in the room shall not be fed by a gravity flow.

## CHAPTER 22. GARAGES

### Article 1. General Provisions

**General prohibition** 17000. No automobile or other motor vehicle shall be placed or stored in any portion of an apartment house or hotel except in a space which meets the requirements of this chapter.

**Machine shop, etc.** 17001. No portion of any apartment house or hotel shall be used as an auto repair shop, a machine shop, an auto sales-room, an auto top and upholstering shop, an accessory shop, or a battery repair shop unless it meets the requirements of this chapter for a space in excess of 4,000 square feet in floor area in which automobiles or other motor vehicles are placed or stored.

**Space beneath rear yard** 17002. No automobiles shall be stored in a space beneath a rear yard of an apartment house, except automobiles owned by the tenants or occupants of apartments within the building.

### Article 2. Garages Less Than 1,000 Square Feet in Area

**Walls** 17020. When the total floor area of a space in an apartment house or hotel in which automobiles or other motor vehicles are placed or stored is 1,000 square feet or less, the inclosing walls of the space shall be of concrete, reinforced concrete, brick, stone, concrete tile or blocks, or clay tile, not less than four inches thick; or may be of wood studs covered on the storage room side by not less than twenty-five thirty-seconds inch boards with one thickness of asbestos paper and one thickness of lock-jointed number 26 gauge galvanized iron, or wood studs covered on both sides with three-quarters inch metal lath and plaster.



17021. The ceiling of the space shall be lathed only with metal lath well plastered not less than three-quarters of an inch thick, or shall be of masonry. Ceiling

17022. The floor of the space shall be of reinforced concrete or masonry not less than two inches thick. Floor

17023. Every door, window, or other opening in any wall of the space, opening to any other portion of the building, shall be protected in the manner required by this part for the protection of doors, windows, or other openings in a boiler room. Openings

Article 3. Garages More Than 1,000 But Less Than 4,000  
Square Feet in Area

17040. When the total floor area of a space in an apartment house or hotel in which automobiles or other motor vehicles are placed or stored exceeds 1,000, but does not exceed 4,000, square feet, neither the space nor any compartment in the space shall exceed 2,000 square feet in area, unless the space meets the requirements of this chapter for spaces exceeding 4,000 square feet in area. Scope of requirements

If the space has no compartment and does not exceed 2,000 square feet in area, or if it has compartments none of which exceeds 2,000 square feet in area, it shall meet the requirements of this article.

(Amended by Stats. 1939, Ch. 477.)

17041. The partitions and inclosing walls of the space shall meet the requirements of this chapter for the inclosing walls of a space not exceeding 1,000 square feet in floor area. Walls

17042. The space shall either have two ceilings, with a vertical space of not less than six inches between them and with the lower ceiling suspended with metal, each of which shall be lathed only with metal lath plastered not less than three-quarters of an inch thick; or a ceiling constructed of masonry not less than three inches thick. Ceilings

17043. The floor of the space shall be of masonry not less than three inches thick. Floor

17044. Every door in any wall of the space opening to any other portion of the building, and every door in any partition in the space, shall be self-closing. Door closing

17045. Every door, window, or other opening in any partition in the space, and any door, window, or other opening in any wall opening into any other portion of the building shall be protected in the manner required by this part for the protection of doors, windows, or other openings in a boiler room. Opening protection

## Article 4. Garages Exceeding 4,000 Square Feet in Area

Walls 17060. When the total floor area of a space in an apartment house or hotel in which automobiles or other motor vehicles are placed or stored exceeds 4,000 square feet in area, the partitions and inclosing walls of the space shall be of concrete, reinforced concrete, brick, stone, concrete tile or blocks, or clay tile, not less than eight inches thick.

Ceiling and floor 17061. The ceiling and the floor of the space shall be of masonry not less than three inches thick.

Openings 17062. No door or other opening shall lead from the space to any other portion of the building, unless a vestibule with inclosed walls continuous with, and of the same construction and thickness as, the inclosing walls of the space is provided. The vestibule openings from the interior of the building shall be equipped with metal lined doors.

## Article 5. Ventilation

General requirement 17080. Every space in a building in which automobiles or other motor vehicles are placed or stored shall be provided with ventilation meeting the requirements of this article.

Ventilation outlets 17081. When the total floor area of a space is 4,000 square feet or less, the space shall be provided with ventilation outlets in its walls.

Area 17082. The total area of the ventilation outlets shall be as follows:

(a) For a space of 1,000 square feet or less, 200 square inches.

(b) For a space of more than 1,000 square feet, 200 square inches for the first 1,000 square feet, plus 50 square inches for each additional 200 square feet, until the total area becomes 525 square inches, which shall be the maximum required.

Floor distance 17083. The top of each ventilation outlet shall be not more than 18 inches above the floor of the space.

Protections 17084. Each ventilation outlet shall be protected with galvanized wire or rods not less than three-eighths of an inch in diameter, providing openings of one-half inch mesh.

Protections of ornamental design may be used if they are galvanized and have a strength at least equal to that of rods not less than three-eighths of an inch in diameter.

All protections shall be firmly anchored in or secured to their supports.

Circulation of air 17085. Each ventilation outlet shall lead directly to a free and unobstructed circulation of air; but shall not lead into any inner court.

17086. When the total floor area of a space is over 4,000 square feet, a mechanical exhaust ventilation system shall be provided. Mechanical exhaust system

17087. The mechanical exhaust ventilation system shall consist of one or more power-driven exhaust fans of the positive centrifugal type, and shall have the capacity to exhaust each hour a quantity of air equal to not less than six times the cubic contents of the space. Exhaust fans

17088. The mechanical exhaust shall be drawn from a point not more than 18 inches above the floor line, and shall be evenly distributed over the entire area of the space. The fan discharge shall be taken to a point above the roof of the building or to the outer air at a point not less than 10 feet from any window in the building in which the space is located, or in any adjoining building. Fan discharge

### CHAPTER 23. DORMITORIES

17151. Every dormitory constructed, altered, or converted in any building shall meet the requirements of this chapter. General requirements

17152. No dormitory shall contain sleeping accommodations for more than 20 persons, nor shall any dormitory be so overcrowded as to be inconsistent with the requirements of this part for cubic air space in rooms used for sleeping purposes. Accommodations

17153. A dormitory shall have a clear ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling. Ceiling height

17154. In a dormitory having a clear ceiling height of less than 16 feet there shall be but one tier of beds. Beds: Tiers

In a dormitory having a clear ceiling height of 16 feet or more, measured between the finished floor and finished ceiling, there may be a double tier of beds, one tier above the other, if there is not less than :

(a) Three feet of clear vertical space between beds, or tiers of beds.

(b) Three feet of horizontal space between beds.

(c) One foot of clear space between the floor of the dormitory and the under side of the first tier of beds, if there is more than one tier.

17155. The frames of beds in every dormitory shall be made of steel, iron, or some other hard, smooth, incombustible, and nonabsorbent material. Frames

17156. Windows opening onto a street, or a yard or court of the dimensions specified in this part and located on the Windows



same lot, shall be installed in every dormitory. The window area shall not be less than one-eighth of the superficial floor area in a dormitory containing not more than one tier of beds, nor less than one-fourth the superficial floor area in a dormitory containing a double tier of beds.

**Dormitory erected prior to August 17, 1923** 17157. Every existing dormitory erected prior to August 17, 1923, shall meet the requirements of this part relating to the number of persons and cubic air space. If the housing department issues a certificate of occupancy for any dormitory erected prior to August 17, 1923, which is found by the department to be sanitary and fit for human occupancy, the certificate shall be final as to the existing structural features and arrangement of the dormitory at the time the certificate is issued, and the dormitory may be used for human habitation.

## CHAPTER 24. BUILDING CONSTRUCTION GENERALLY

### Article 1. Details of Construction

**Generally** 17250. Every building shall be constructed in a safe and substantial manner.

**Shelter** 17251. Every dwelling shall be so constructed as to provide shelter to the occupants against the elements and exclude dampness in inclement weather.

**Materials** 17252. The materials used in the construction of a building shall be of substantial and approved stock.

**Partitions** 17253. Except as otherwise provided in this part, all partitions in apartment houses and hotels three or more stories in height shall be well-plastered partitions.

**Kitchen floor** 17254. The floor of a kitchen or other room in an hotel in which food is stored or prepared shall be made impervious to rats by a layer of concrete not less than one and one-half inches thick, or by a layer of sheet tin, iron, or similar material.

**Bakery** 17255. A bakery or place of business in which fat is boiled shall not be constructed or maintained in any apartment house, unless the ceilings and side walls of that part of the bakery or place of business in which fat is boiled are made of approved fire resistant materials, with no openings connecting into, and so separated and arranged as to prevent odors from entering, the building.

**Bearing portions** 17256. The footings, foundations, walls, joists, studding, girders, columns, and all other bearing portions of a building shall be of such sizes and so constructed as to sustain safely in all their parts all the live and dead loads transmitted to them, in addition to their own dead loads.

17257. Each floor in a building shall be constructed to sustain safely a live load of not less than 40 pounds to each square foot. Live load:  
Floor

17258. Each roof of a building shall be constructed to sustain safely a live load of not less than 20 pounds to each square foot. Roof

17259. Schedules of weights of materials, safe allowable unit stresses, and formulas used for computing stresses shall be of standard recognized practice. Weights and  
stresses

17260. The wooden studs in every bearing wall and partition in an apartment house or hotel shall be not less than two by four inches; but in an apartment house or hotel that exceeds two stories in height, the wooden studs in every bearing wall and partition below the top two stories shall be not less than two by six inches. The studs shall be spaced not more than 16 inches center to center, except when, together with plates, they are designed as a system of columns and beams. Wooden  
studs:  
Dimensions

17261. All wooden stud walls and partitions in an apartment house or hotel shall be effectively fire stopped at the floors and ceilings and at the spring line of a cove in a coved ceiling, so as to form an effective fire barrier between stories, and between a top story and the roof or attic space. They shall also be fire stopped between floors and ceilings in such manner that there will be no concealed air space with a dimension greater than seven feet. Fire  
stopping

17262. The fire stopping in wooden stud walls and partitions in apartment houses and hotels shall consist of not less than two-inch material, and shall be as thick as the stud. Plates, braces, and other members which fulfill the function of fire stopping may be considered such. Same

17263. Each wooden stud wall and partition in an apartment house or hotel shall be thoroughly and effectively angle braced at each corner and at least once in each 25 feet of its length. However, diagonal sheathing or other membrane of comparable strength and rigidity may be used for angle bracing. If the membrane used is metal lath and plaster, the wall or partition shall be plastered with Portland cement plaster not less than three-quarters of an inch thick, back-plastered between the studs not less than one-half of an inch thick in an approved manner, so as to imbed thoroughly the metal lath in the plaster. The metal lath shall weigh not less than three and four-tenths of a pound per square yard. Angle  
bracing

Floor joist  
space

17264. The space between wooden floor joists in an apartment house or hotel, over each bearing partition or wall and at the exterior walls, shall be blocked solid the full depth of the joists with blocks not less than two inches thick.

Ceiling joist  
support

17265. Joists supporting plastered ceilings in an apartment house or hotel shall be so proportioned that their deflection under full live and dead loads, exclusive of the weight of plaster, shall not exceed one three-hundred-and-sixtieth of the span length of the joists.

Bearing  
support  
notching

17266. No floor joist or other bearing support in an apartment house or hotel shall be cut or notched for any purpose unless it is reinforced to take up the weakness caused by the cut or notch.

Cross-  
bridging

17267. Every span of wooden floor joists in an apartment house or hotel shall be cross-bridged with cross-bridging of not less than two inch by three inch material, at intervals not more than eight feet apart. A bearing partition, wall, girder, or other support under the joists that is blocked solid over its top between the joists with blocks not less than two inches thick the full depth of the joists shall take the place of a cross-bridging.

Lumber  
dimensions

17268. All dimensions of lumber mentioned in this part shall be substantially the dimensions of the lumber when manufactured from the log, subject, however, to customary slight variations.

Dimension  
reduction

17269. The dimensions of lumber used in a building may be reduced by the processes of seasoning and surfacing to customary commercial sizes. Lumber reduced to customary commercial sizes by seasoning and surfacing processes will fulfill the requirements of this part.

Unit stresses for surfaced lumber shall be computed on the basis of the actual net section.

## Article 2. Fireproof Buildings

Load or  
stress trans-  
mission

17280. All the exterior and interior loads or stresses in a fireproof building shall be transmitted to the foundation by means of concrete, reinforced concrete, brick, or stone; or by means of a skeleton framework of steel, iron, or reinforced concrete, or a combination of such materials.

Exterior  
walls

17281. The exterior walls, inner court walls, and roof of a fireproof building shall be constructed of concrete, reinforced concrete, brick, stone, or terra cotta or concrete tile.

Structural  
steel

17282. All the structural steel or iron in a fireproof building shall be thoroughly fireproofed by concrete, cement plaster, tile, brick, or sandstone, not less than two inches thick.



17283. Every interior partition in a fireproof building shall be constructed of terra cotta or concrete tile or blocks, gypsum blocks, brick, concrete, reinforced concrete, metal studs lathed with metal lath plastered not less than three-quarters of an inch thick, or wire glass not less than one-fourth of an inch thick set in metal frame and sash. Interior partitions

17284. Every other portion of a fireproof building shall be constructed of approved fire resistant or incombustible material, except that: Other parts of building

(a) The glass in windows, transoms, or doors may be plain glass.

(b) The doors, frames, sash, and the usual trim of rooms, hallways, corridors, and passageways may be of wood.

(c) Wood floors may be placed over floors constructed of incombustible materials, except in the stairways and public hallways.

### Article 3. Semifireproof Buildings

17300. Except as otherwise permitted by this part in the case of walls of inner courts and vent shafts surrounded on four sides by the same building, all exterior walls in a semifireproof building shall be constructed of brick, stone, concrete, reinforced concrete, terra cotta or concrete tile, or similar approved fire resistant or incombustible materials. Exterior walls

(Amended by Stats. 1939, Ch. 477.)

17301. The roof of every semifireproof building shall be constructed of approved incombustible materials, or shall be well covered with composition fire resistant or fire retardent materials. Roof

17302. The usual trim of rooms, hallways, finished floors, windows, doors, and frames in a semifireproof building may be of wood, and the glass in windows and doors may be plain glass, except as otherwise prescribed in this part. Trim, frame, glass

17303. In every semifireproof building designed and built to exceed four stories in height, all the interior walls, partitions, ceilings, soffits of stairways, and stairwells shall meet the requirements for similar portions of fireproof buildings; or may be of wooden construction and lathed with metal lath plastered not less than three-fourths of an inch thick. In excess of four stories

17304. In every semifireproof building designed and built not to exceed four stories in height, all the walls, partitions, ceilings of public hallways, soffits of stairways, stairwells, and the ceilings of basements or cellars shall meet the requirements for similar portions of semifireproof buildings designed and built to exceed four stories in height. Four or less stories

## Article 4. Wooden Buildings

**Foundation:** 17320. Unless it is impracticable because of soil conditions, every wooden apartment house or hotel shall have a masonry foundation composed of hard incombustible materials.

**Footings** 17321. The footings of the foundation shall not be less than 12 inches wide at their bottoms, nor shall the footings of the foundation walls be less than 10 inches below the surface of the adjoining ground levels.

**Walls** 17322. The foundation walls shall not be less than six inches wide at their tops, and shall extend at least six inches above the adjoining ground levels.

**Width** 17323. The width of the foundation walls and footings shall be increased whenever necessary to support additional loads transmitted to them.

**Stairways, etc.** 17324. In every wooden apartment house designed and built to accommodate three or more families above the first story, and in every wooden hotel designed and built to accommodate six or more guests above the first story, the walls, partitions, and ceilings of public hallways, the soffits of interior stairways, and the stairwells shall meet the requirements for similar portions of semifireproof or fireproof buildings; or shall be lathed with metal lath plastered not less than three-quarters of an inch thick.

## Article 5. Plasterboard

**Use in lieu of metal lath** 17340. Plasterboard of an approved type, composed of 75 per cent of noninflammable materials, not less than three-eighths of an inch thick, and provided with a mechanical key bond on its face, may be used in lieu of metal lath in any case where metal lath is specified in this part, except where it is apparent that metal lath only is permitted.

(Amended by Stats. 1939, Ch. 477.)

**Application of plaster, etc.** 17341. Not less than three-eighths of an inch of plaster shall be applied on the plasterboard in a thorough workmanlike manner. If the plasterboard is used on the weather side of exterior walls, or the weather sides of the walls or partitions of courts, shafts, or vent shafts, a reinforcement of metal lath or redipped or galvanized wire mesh of not less than number 18 gauge shall be applied on the plasterboard before it is plastered.

## CHAPTER 25. PLUMBING FIXTURES

## Article 1. General Provisions

**Running water** 17450. Every plumbing fixture installed in any building shall be provided with running water.

17451. Any water-closet, bath, shower, sink, slop-sink, Installation faucet, or other plumbing fixture required by this part in any building need not be installed until it becomes practicable and possible to obtain running water and proper means of sewage disposal.

17452. The enforcement agency shall in every case determine whether or not it is practicable and possible to provide running water and proper means of sewage disposal, and if it decides that it is not, shall issue a special permit in writing authorizing the noninstallation of required plumbing fixtures. Noninstallation permit The permit shall be made in duplicate, and a copy shall remain on file with the enforcement agency.

17453. When a permit authorizing the noninstallation of a Privy water-closet is issued, a privy or toilet other than a water-closet for the deposit of fecal matter, urine, or sewage may be installed. It shall consist of a pit at least three feet deep, covered by a shelter sufficient to afford privacy and protection from the elements. Openings in the shelter shall be inclosed by metal mosquito screening, and the door to the shelter shall close automatically by means of a spring or other device.

17454. The privy pit shall not be allowed to become filled with excreta to a point within one foot from the surface of the ground. The excreta in the pit shall be covered with earth, ashes, lime, or other similar substance at regular intervals. Privy pit

The pit shall be maintained in a sanitary condition.

17455. When a connection with a sewer becomes possible, Removal of privy any privy installed pursuant to this article shall be completely removed; the place where it was located shall be properly disinfected; and it shall be replaced by one or more individual water-closets meeting the requirements of this part relating to water-closets in buildings other than those erected prior to August 17, 1923.

17456. Every plumbing fixture affecting the sanitary drainage system of any building shall be properly connected with a street sewer, ready to receive connections, in the street abutting the lot on which the building is located. Sewer connection

17457. If it is impracticable to connect a plumbing fixture affecting the sanitary drainage system with a street sewer, sewage or waste may be disposed of by connecting and draining the fixture into a cesspool constructed to the satisfaction of the enforcement agency, or may be disposed of by some other means satisfactory to the enforcement agency, until such time as it becomes practicable and possible to connect with a street sewer. Cesspool connection



- Trap** 17458. In every building each plumbing fixture connected to the sanitary drainage system shall be provided with a water sealed trap.
- Vent pipe: Connection** 17459. The trap shall be separately and effectively vented by means of a connection to a vent pipe extending to the outer air above the roof. The vent pipe shall be so installed and maintained that no drainage or sewage from any fixture may be deposited in or conveyed through it.
- Termination** 17460. Plumbing vent pipes installed in any building shall not terminate at a point adjacent to any window or other opening in the building intended or used for ventilation purposes.
- Cleanouts** 17461. Suitable cleanouts shall be placed at convenient points in the plumbing system of every building.
- Gas and water connection** 17462. Every gas and water service connection shall be made of steel or iron, and shall be equipped with cutoff valves placed in a readily accessible location outside the building.
- Other connections** 17463. Every other plumbing connection in any building shall be made of standard lead, iron, cast iron, steel, or brass. A house sewer connection, however, may be made of cast iron, vitrified clay, machine-made glazed cement pipe, or standard or extra heavy galvanized iron or steel.
- Inclosure** 17464. No water-closet, slop-sink, or lavatory shall be inclosed with woodwork. The space under and around it shall be left open.
- Repair** 17465. The floor and wall surface beneath and around every water-closet, slop-sink, or lavatory shall be maintained in good repair, and if constructed of wood, shall be well painted with a light colored paint of sufficient body to make it non-absorbent.
- Replacement** 17466. Whenever any plumbing fixture becomes insanitary, the enforcement agency may require its removal and replacement by a fixture conforming to the provisions of this part.

## Article 2. Water-closets in Buildings Erected Prior to August 17, 1923

- Scope of article** 17480. The provisions of this article are applicable only to buildings erected prior to August 17, 1923.
- Apartment house** 17481. At least one water-closet shall be installed in a separate compartment on a public hallway in an apartment house for every three, or fractional part of three, apartments on the same floor as the hallway which are not provided with private water-closets.

If two or more water-closets on a public hallway are required by this section, one of the water-closets shall be distinctly marked: "For Men"; and one shall be distinctly marked: "For Women."

17482. At least one water-closet for each sex shall be <sup>Hotel</sup> installed in a separate compartment on a public hallway in an hotel. One of the water-closets shall be distinctly marked: "For Men"; and one shall be distinctly marked: "For Women."

17483. If there are more than 12 guest rooms on a floor <sup>Same</sup> of an hotel, at least one water-closet shall be installed in a separate compartment on a public hallway on the floor for every 12, or fractional part of 12, guest rooms on the floor which are not provided with private water-closets.

17484. The housing department may exempt any apartment house or hotel from having the number of water-closets required by this article for either of the following reasons: <sup>Exemption</sup>

(a) The exemption will not result in detriment to the health of the occupants or to the sanitation of the building.

(b) It is impracticable to install the water-closets because of structural features in the building.

The housing department has no authority under this section to exempt any portion of an apartment house or hotel added on after August 17, 1923, from having the number of water-closets required by this article.

17485. Every water-closet installed after August 17, 1923, <sup>Subsequent installation</sup> in a building erected prior to that date shall meet the requirements of this chapter relative to a water-closet installed in a building erected after August 17, 1923. The compartment in which it is installed shall be provided with ventilation to the outer air in a manner satisfactory to the enforcement agency.

### Article 3. Water-closets in Buildings Erected After August 17, 1923

17501. One water-closet shall be installed in a separate <sup>Apartment house</sup> compartment, or in a compartment with a bath tub, shower, or lavatory, within each apartment in an apartment house for the exclusive use of the occupants of the apartment.

17502. If any apartment in an apartment house contains <sup>Access</sup> three or more rooms, excluding any bath room, it shall be so arranged that a person may have access to a water-closet compartment without having to pass through any bedroom.

17503. If there is more than one sex on a floor of an hotel, <sup>Hotel</sup> at least one water-closet for each shall be installed in a separate compartment on a public hallway on the floor. One of the water-closets shall be distinctly marked: "For Men"; and one shall be distinctly marked: "For Women."

- Same 17504. If there are more than 10 guest rooms on a floor of an hotel, at least one water-closet shall be installed in a separate compartment on a public hallway on the floor for every 10, or fractional part in excess of 10, guest rooms on the floor which are not provided with private water-closets.
- Access 17505. Each water-closet on a public hallway in an hotel shall be accessible through the hallway from, and shall not be more than 100 feet distant from the entrance door of, each guest room it serves.
- Employees 17506. One water-closet for each 20, or major fraction of 20, employees shall be installed in a convenient and suitable place in each hotel.
- Dwelling 17507. One water-closet shall be provided for each family living in a dwelling.
- Door 17508. Every water-closet compartment shall be equipped with a full door, properly hung and provided with a lock or locking bolt.
- Opening 17509. No door or other opening in a water-closet or urinal compartment shall open from or into any room in which food is stored or prepared.
- Walls 17510. The walls inclosing a water-closet compartment in an apartment house or hotel shall be well plastered or constructed of a nonabsorbent material, but the ordinary wood trim for openings may be used in the compartment.
- Floor 17511. The floor of every water-closet compartment in an apartment house or hotel shall be made waterproof with asphalt, tile, marble, terrazzo cement, or other similar non-absorbent material, extending not less than two inches upward on the walls of the compartment.
- Bowl and seat 17512. Every water-closet shall have an earthenware bowl. It shall also have an earthenware seat integrated with the bowl; or may have attached directly to the bowl, a wooden seat made nonabsorbent with varnish or enamel, or a seat made of some nonabsorbent material.

#### Article 4. Bathtubs and Showers in Buildings Erected Prior to August 17, 1923

- Scope 17530. This article applies only to buildings erected prior to August 17, 1923.
- Apartment house 17531. At least one bath tub or shower shall be installed in a separate compartment on each floor of an apartment house for every five, or fractional part of five, apartments on the floor which are not provided with private baths or showers.



17532. At least one bathtub or shower shall be installed in <sup>Hotel</sup> a separate compartment on a public hallway in an hotel for every 20, or fractional part of 20, guest rooms on the same floor as the hallway which are not provided with private baths. Each bathtub or shower shall be accessible from each guest room it serves through the public hallway.

17533. Any room or compartment in which a bathtub or <sup>Ventilation</sup> shower is installed in compliance with this article shall be provided with ventilation to the outer air in a manner satisfactory to the enforcement agency.

17534. The enforcement agency may exempt any apart- <sup>Exemption</sup> ment house or hotel from full compliance with this article for either of the following reasons:

(a) The exemption will not result in detriment to the health of the occupants or to the sanitation of the building or its premises.

(b) It is impracticable to comply fully with this article because of structural features in the building.

The enforcement agency has no authority under this section to exempt from the provisions of this article any portion of an apartment house or hotel added on after August 17, 1923.

#### Article 5. Bathtubs and Showers in Buildings Erected After August 17, 1923

17551. One bathtub or shower shall be installed in a <sup>Apartment house</sup> separate compartment on each floor of an apartment house for every three apartments on the floor which are not provided with private baths or showers. The bathtub or shower shall be accessible from each apartment it serves through the public hallway.

17552. At least one bathtub or shower provided with hot <sup>Hotel</sup> and cold water shall be installed in a separate compartment on a public hallway in an hotel for every 10, or fractional part of 10, guest rooms on the same floor as the hallway which are not provided with private baths. Each bathtub or shower shall be accessible from each guest room it serves through the public hallway.

17553. The doors, walls, and floor of every bath or shower <sup>Doors, etc.</sup> room or compartment in an apartment house or hotel shall meet the requirements of this part pertaining to the doors, walls, and floors of water-closet compartments in the building.

#### Article 6. Sinks and faucets

17580. At least one kitchen sink shall be installed within <sup>Kitchen sink</sup> each apartment in an apartment house.

- Same 17581. A kitchen sink shall be installed in each kitchen in a dwelling.
- Prohibition 17582. No wooden wash-tray or wooden kitchen sink shall be installed in any building.
- Space 17583. The space underneath any sink or wash-tray in any building shall not be so inclosed as to prevent its ventilation or inspection.
- Closure 17584. A door, panel, or other closure may be provided in the front or around any side of the space underneath the sink or wash-tray; but no front closure shall be nailed or otherwise permanently fixed in position, and every front closure shall be so installed that at least 20 per cent of the front area of the space is left available for ventilation.
- Faucets 17585. Faucets with running water, sufficient in number to wash all yards, courts, and passageways, shall be installed in every apartment house or hotel.

#### CHAPTER 26. PROHIBITED BUILDING OR ROOM USES

- Cooking 17700. It is unlawful for any person to cook or prepare food, or to permit another person to cook or prepare food, in any bath, shower, slop-sink, toilet room, water-closet compartment, or in any other portion of a building in which, in the judgment of the enforcement agency, the cooking or preparation of food is detrimental to the health of the occupants or the proper sanitation of the building.
- Same 17701. Food shall not be cooked or prepared in an hotel except in a kitchen or other room designed for that purpose.
- Sleeping 17702. It is unlawful for any person to use, or to permit another person to use, any of the following portions of a building for living or sleeping purposes:
- (a) Any kitchen, cellar, hallway, water-closet, bath, shower compartment, or slop-sink room.
  - (b) Any other room or place which does not comply with the provisions of this part, or in which, in the judgment of the enforcement agency, living or sleeping is dangerous or prejudicial to life or health by reason of an overcrowded condition; a want of light, windows, ventilation, or drainage; dampness; or offensive, obnoxious, or poisonous odors in the room or place.
- Same 17703. No amusement, entertainment, reception, public dining, or similar room in any building, shall be used for sleeping purposes, unless it meets all the requirements for sleeping rooms.

17704. No portion of any apartment house or hotel shall be used as a paint shop, paint store, a gasoline or oil service station or store, or a vulcanizing shop. <sup>Paint shop, etc.</sup>

17705. Any room which was in existence on August 17, 1923, and which is or is designed or intended to be, occupied for sleeping purposes by but one person shall contain not less than 500 cubic feet of air space. <sup>Air space</sup>

It is unlawful to use or permit another person to use for sleeping purposes any room constructed after August 17, 1923, that does not contain at least 630 cubic feet of air space.

17706. If any room is occupied by more than two persons, the minimum required cubic air space of the room shall be increased by not less than 500 cubic feet for each person in excess of two that the room is designed, built, intended to, or does accommodate for sleeping purposes. <sup>Same</sup>

17707. No part of any room in any apartment house or hotel shall be inclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device for any purpose contrary to any of the provisions of this part. <sup>Subdivision, etc.</sup>

## CHAPTER 27. MAINTENANCE, SANITATION, AND REPAIR GENERALLY

17800. Every building shall be maintained in good repair. <sup>Repair</sup>

17801. The roof of every building shall be kept water-proof, and all storm or casual water shall be properly drained and conveyed from the roof to a street sewer, storm drain, or street gutter. <sup>Roof</sup>

17802. All portions of a lot about a building, including the yards, areaways, vent shafts, courts, and passageways, shall be properly graded and drained. <sup>Drainage</sup>

17803. If the enforcement agency considers it necessary for the protection of the health of the occupants, or for the proper sanitation, of an apartment house or hotel, it may require that the yards, areaways, vent shafts, courts, passageways, or other parts of the lot surrounding the building be graveled, or properly paved and surfaced with concrete, asphalt, or similar material. <sup>Surfacing, etc.</sup>

17804. The walls and ceiling of every sleeping room in an apartment house or hotel, unless there is sufficient natural light to permit a person to read in any part of the room during the day, shall be calcimined, painted, or papered with a light-colored material. The calcimine, paint, or paper shall be applied as often as may be necessary to maintain the walls and ceiling in a light color and clean and free from vermin. <sup>Painting</sup>



Same 17805. Unless built of light-colored materials, the walls of courts and shafts shall be painted in a light color or shall be whitewashed. The paint or whitewash shall be applied as often as may be necessary to maintain the walls in a light color.

Wallpaper 17806. Not more than two thicknesses of wallpaper shall be placed upon any wall, partition, or ceiling of any room in any apartment house or hotel. If any wall, partition, or ceiling with two thicknesses of wallpaper in any such room is to be repapered, the old wallpaper shall be first removed.

Same 17807. Painting or calcimining over wallpaper is permissible.

Screening 17808. Whenever necessary for the health of the occupants, or for the proper sanitation or cleanliness, of any building, metal mosquito screening of at least 16 mesh, set in tightfitting removable sash, shall be provided for each exterior door, window, or other opening in the exterior walls of the building.

Garbage receptacle 17809. Such number of tight metal receptacles with close-fitting metal covers for garbage, refuse, ashes, and rubbish as may be considered necessary by the enforcement agency, or a garbage chute or shaft approved by the housing department, shall be provided for every building. Each receptacle, chute, or shaft shall be kept in a clean condition by the following persons:

(a) In the case of a receptacle in an apartment house or dwelling, by the occupants or tenants of the building.

(b) In the case of a receptacle in an hotel, by the owner or person in charge of the hotel.

(c) In the case of a chute or shaft in any building, by the person in charge or in control of the building.

Receptacle compartment 17810. Every closet or compartment in a building used for storing a garbage receptacle shall be lined on all its sides and on the inside of all its doors with galvanized iron, with all joints made tight.

Sanitation 17811. Each room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink room, wash room, plumbing fixture, drain, roof, closet, cellar, basement, yard, court, lot, and the premises of every building shall be kept in every part clean, sanitary, and free from all accumulation of debris, filth, rubbish, garbage, and other offensive matter.

Deposit of rubbish, etc. 17812. No person shall do, or permit or cause another person to do, any of the following:

(a) Deposit any swill, garbage, bottles, ashes, cans, or other improper substances in, or in any way obstruct, any watercloset,

sink, slop-hopper, bathtub, shower, catch-basin, or plumbing fixture connection or drain.

(b) Put any filth, urine, or other foul matter in any place other than the place provided for it.

(c) Keep any filth, urine, or other foul matter in any room, or elsewhere in or about the premises, of any building for such length of time as will result in the creation of a nuisance.

17813. In every apartment house or hotel every part of every bed, including the mattress, sheets, blankets, and bedding, shall be kept in a clean, dry, and sanitary condition, free from filth, urine, or other foul matter, and from the infection of lice, bedbugs, or other insects. Bedding

The bed linen of a bed in an hotel shall be changed as often as a new guest occupies the bed.

17814. No roller or public towel shall be kept or maintained in an hotel for common use. Towels

17815. Neither any article that is dangerous or detrimental to life or to the health of the occupants; nor any feed, hay, straw, excelsior, cotton, paper stock, rags, junk, or any other material that may create a fire hazard, shall be kept, stored, or handled in any part of an apartment house or hotel, or of the lot on which such building is situated, except upon a written permit obtained from the officer or agency authorized by law to issue the permit. Every permit shall be made in duplicate, and a copy shall remain on file in the office of the officer or agency issuing it. Every filed copy constitutes a public record. Dangerous articles

17816. Neither a horse, cow, calf, swine, sheep, goat, rabbit, mule, or other animal; nor a chicken, pigeon, goose, duck, or other poultry shall be kept in any part of any apartment house or hotel. Neither any such animal or poultry, nor any stable shall be kept or maintained within 20 feet of any window or door of an apartment house or hotel. Animals

17817. Neither a horse, cow, calf, swine, sheep, goat, rabbit, or mule; nor a chicken, pigeon, goose, duck, or other poultry shall be kept in any part of any dwelling. Neither any such animal or poultry, nor any stable shall be kept or maintained within 20 feet of any window or door of a dwelling. Same

17818. A janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments, and of every hotel in which there are 12 or more guest rooms, in the event that the owner of any such apartment house or hotel does not reside upon said premises. If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating his name and address, or the name and address of his agent in Caretaker

charge of the apartment house, shall be posted in a conspicuous place on the premises.

(Amended by Stats. 1943, Ch. 153.)

Artificial  
light

17819. In every apartment house with more than two apartments above the first floor, and in every hotel there shall be installed and kept burning from sunrise to sunset throughout the year artificial light sufficient in volume to illuminate properly every public hallway, public stairway, fire escape egress, elevator, public water-closet compartment, or toilet room, in any part of which there is insufficient natural light to permit a person to read.

Same

17820. In every apartment house with more than two apartments above the first floor, and in every hotel there shall be installed and kept burning from sunset to sunrise throughout the year artificial light sufficient in volume to illuminate properly every public hallway, passageway, public stairway, fire escape egress, elevator, public water-closet compartment, or toilet room.

Nuisances

17821. Any building which has become unfit for human habitation or occupancy, as defined herein, is hereby declared to be a nuisance. The enforcement agency, after so determining, shall notify the owner of such building and any mortgagee or beneficiary under any deed of trust, of record, in the manner hereinafter stated. The notice shall state the conditions which render the building unfit for human habitation and shall order the correction or abatement thereof, either by demolition, closing or repair, within 30 days after date of notice. If, in the opinion of the enforcement agency, such conditions can be corrected or abated by repair thereof, the notice shall state the repairs which will be required. If such building is encumbered by a mortgage or deed of trust, of record, and the owner of such building shall not have complied with the order of the enforcement agency on or before the expiration of 30 days after the mailing and posting of the notice, the mortgagee or beneficiary under such deed of trust, may within 15 days after the expiration of said 30-day period, comply with the requirements of the order of the enforcement agency, in which event the costs to such mortgagee or beneficiary shall be added to and become a part of the lien secured by said mortgage or deed of trust and shall be payable at the same time and in the same manner as may be prescribed in said mortgage or deed of trust for the payment of any taxes advanced or paid by said mortgagee or beneficiary for and on behalf of said owner.

Institute  
action

If the order of the enforcement agency shall not have been complied with on or before the expiration of 45 days after the mailing and posting of the notice, the enforcement agency may institute such appropriate action or proceeding to correct or abate the condition as would be taken to correct or abate any nuisance or any violation of any other provision



of this part or as an alternative procedure such enforcement agency may institute proceedings for the abatement of such nuisance, after notice and hearing, before the governing board of such agency in the manner in this chapter hereinafter set forth.

(Added by Stats. 1941, Ch. 807.)

17822. For the purpose of providing for the advancement of costs in the enforcement of the provisions of this chapter, any city or county may create a revolving fund or funds from which may be paid the costs of enforcing the provisions of this chapter and into which may be paid the receipts from the collection of costs or fines imposed in the enforcement thereof.

(Added by Stats. 1941, Ch. 807.)

17823. The notices required in Section 17821 shall be given in the following manner: The enforcement agency shall post conspicuously at least one copy of the notice on the building, alleged to be unfit and shall send another copy by registered mail, postage prepaid, return receipt requested, to the person owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the clerk of the governing board of such enforcement agency and to any mortgagee or beneficiary under any deed of trust, of record, at the last known address of such mortgagee or beneficiary, and if such address is unknown to the enforcement agency, then said fact shall be stated in said copy so mailed and it shall be addressed to him at the county seat of the county wherein said property is situated. The officer or employee of the enforcement agency upon giving notice as aforesaid shall file an affidavit thereof with the clerk of the governing board of such enforcement agency certifying to the time and the manner in which such notice was given. He shall also file therewith any receipt card which may have been returned to him in acknowledgment of the receipt of such notice by registered mail. The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

(Added by Stats. 1941, Ch. 807.)

17824. If the enforcement agency determines to proceed with the abatement of such nuisance through proceedings instituted before its governing board, it shall give a second notice in the same manner as set forth in Section 17823, directing the owner of such building to appear before the governing board of the enforcement agency at a stated time and place and show cause why such building should not be condemned as a nuisance and said nuisance be abated as herein provided, and a copy of said notice shall be mailed to each mortgagee or beneficiary under any deed of trust, of record, in the manner prescribed in Section 17823. Said notice shall be headed

“Notice to Abate Nuisance” in letters of not less than three-fourths of an inch in height and shall be substantially in the following form:

### NOTICE TO ABATE NUISANCE

Form     The owner of the building situated at\_\_\_\_\_is hereby notified to appear before\_\_\_\_\_ (insert name of governing board) of the\_\_\_\_\_ (insert name of enforcement agency) at its meeting to be held\_\_\_\_\_, 19\_\_\_\_, at\_\_\_\_\_ (place of meeting) at the hour of\_\_\_\_\_ o'clock \_\_\_\_m., or as soon thereafter as he may be heard, and show cause, if any he has, why said building should not be condemned as a public nuisance and said nuisance be abated by reconstructing or properly repairing said building or by razing or removing same. Dated\_\_\_\_\_

-----  
(Name of enforcement agency)

By -----  
(Name of officer)

The officer or employee of the enforcement agency giving such notice shall file an affidavit of posting and mailing in the manner required by Section 17823 hereof, but the failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.  
(Added by Stats. 1941, Ch. 807.)

Hearing     17825. At the time fixed in said notice, the governing board of the enforcement agency shall proceed to hear the testimony of the officers or employees of the enforcement agency and the testimony of the owner or his representatives, if present at said hearing, and other competent persons who may be present and desire to testify, respecting the condition of said building, the estimated cost of its reconstruction, repair or removal, and any other matter which said governing body may deem pertinent thereto. Upon the conclusion of said hearing said governing board may, by resolution, declare its findings and in the event that it so concludes it may declare said building to be a nuisance and direct the owner to abate the same within 30 days after the date of posting on said premises a notice of the passage of said resolution by having said building properly reconstructed or repaired, or by having the same razed or removed and notifying said owner that if said nuisance is not abated said building will be razed or removed by the enforcement agency and the expense thereof made a lien on the lot or parcel of land upon which said building is located.

Posting and  
mailing

At any time within 60 days after the passage of any resolution directing the abatement of a nuisance, the enforcement agency shall post a copy thereof conspicuously on the building so declared to be a nuisance and mail another copy by registered mail, postage prepaid, return receipt requested, to the person owning the land on which the building is located as

such person's name and address appear on the last equalized assessment roll or as known to the clerk of the governing board of such enforcement agency, and a copy of said notice shall be mailed to each mortgagee or beneficiary under any deed of trust, of record, at the last known address of such mortgagee or beneficiary, and if such address is unknown to the enforcement agency, then said fact shall be stated in said copy so mailed and it shall be addressed to him at the county seat of the county wherein said property is situated. The officer or employee of the enforcement agency, upon giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in Section 17823 hereof. The governing board of the enforcement agency may grant any extension of time to abate said nuisance that it may deem justifiable upon good cause therefor being shown.

(Added by Stats. 1941, Ch. 807.)

17826. Any owner or other interested person having any objections, or feeling aggrieved at any proceedings taken by the governing board of the enforcement agency in ordering abatement of any nuisance, must bring an action in a court of competent jurisdiction within 30 days after the date of posting on said premises a notice of the passage of the resolution declaring the nuisance to exist to contest the validity of any proceedings leading up to and including the adoption of the resolution, otherwise all objections will be deemed to have been waived. Court review

(Added by Stats. 1941, Ch. 807.)

17827. Thirty days after the posting of the copies of the resolution declaring any building a nuisance, the enforcement agency shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building, unless the nuisance is abated by the owner or other person interested within the 30-day period or any extension thereof granted by the governing board as provided for in this chapter. In the event that the nuisance is not abated within the time prescribed the enforcement agency may thereupon raze and remove the building so declared to constitute a nuisance or have the same done under its direction and supervision. Jurisdiction  
to abate

(Added by Stats. 1941, Ch. 807.)

17828. The building materials contained in such building so razed or removed shall be sold by the governing board at public sale to the highest responsible bidder after not less than five days' notice of intended sale published at least once in a newspaper of general circulation published in the city or county wherein such building is located, either before or after said building has been razed or removed, and any amount received from the sale of such building materials shall be deducted from the expense of razing or removing said building. The enforcement agency shall keep an itemized account Sale of  
materials



of the expense involved in the razing or removing of any such building and shall deduct therefrom the amount received from the sale of the building materials. The enforcement agency shall cause to be posted conspicuously on the property from which the building was razed or removed a statement verified by the officer of the enforcement agency in charge of the doing of the work showing the gross and net expense of the razing or removing of such building together with a notice of the time and place when and where said statement shall be submitted to the governing board of the enforcement agency for approval and confirmation and at which time said governing board shall consider any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such work and any other interested persons. A copy of said statement and notice shall be mailed in the manner prescribed in Section 17823 and an affidavit of such posting and mailing shall be filed in the manner prescribed in said section. The time for submitting said statement to the governing board of the enforcement agency for confirmation shall be not less than five days from the date of the posting and mailing of said statement and notice.

(Added by Stats. 1941, Ch. 807.)

Statement  
of expense

17829. At the time fixed for the hearing of the statement of expense the governing board of the enforcement agency shall consider the statement, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the doing of the work and any other interested persons and thereupon said governing board may make such revision, correction or modification in the statement as it may deem just, after which, by motion or resolution, said report as submitted, or in the event any revisions, corrections or modifications have been ordered made by said governing board then said statement as revised; corrected or modified, shall be confirmed. The board may adjourn said hearings from time to time and its decisions on said statement and on all protests and objections which may be made shall be final and conclusive.

In the event that the cost of razing or removing said nuisance exceeds the proceeds received from the sale of any materials, then the amount of the net expense of abating such nuisance, if not paid within five days after the decision of said governing board on said statement, shall constitute a lien on the real property upon which the same was abated or removed, which lien shall continue until the amount thereof and interest thereon at the rate of 6 per cent per annum, computed from the date of confirmation of the statement until paid, has been paid, or until it is discharged of record. Such lien shall, for all purposes, be upon a parity with the lien of State, county and municipal taxes. In the event of nonpayment the governing board shall, at any time within

60 days after the decision of the governing board on the statement, cause to be filed in the office of the county recorder of the county in which such property is located a certificate substantially in the following form, to wit:

### NOTICE OF LIEN

Pursuant to the authority vested in the undersigned by <sup>Form</sup> Chapter 1, Part 2, Division 13, of the Health and Safety Code of the State of California, the undersigned did on the ----- day of -----, 19--, cause a nuisance to be abated on the real property hereinafter described and the undersigned did on the ----- day of -----, 19--, by action duly recorded in its official minutes as of said date, assess the cost of such abatement, less the amount received from the sale of any building materials, upon the real property hereinafter described, and the same has not been paid nor any part thereof and the said ----- (enforcement agency) does hereby claim a lien on said real property for the net expense of the doing of said work in the sum of \$-----, and the same shall be a lien upon said real property until the said sum, with interest at the rate of 6 per cent per annum, from the said ----- day of -----, 19-- (insert date of confirmation of statement), has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the City of -----, County of -----, State of -----, and particularly described as follows, to wit:

Dated-----

-----  
(Enforcement agency)  
By -----  
(Name of officer)

From and after the date of the recording of said notice of lien all persons shall be deemed to have had notice of the contents thereof. The statute of limitations shall not run against the right of the enforcement agency to enforce the payment of said lien.

In the event that the amount received from the sale of materials exceeds the expense of razing or removing such building, then such excess shall be deposited with the treasurer of the enforcement agency to the credit of the owner of said property or to such other person legally entitled thereto and such excess shall be payable to said owner or other person on demand and upon producing evidence of ownership satisfactory to said treasurer.

(Added by Stats. 1941, Ch. 807.)

### CHAPTER 28. VIOLATIONS

17900. It is unlawful for any person to violate, or cause <sup>Violation</sup> or permit another person to violate, any provision of this part.

Penalties 17901. Any person who violates any of the provisions of this part is guilty of a misdemeanor. In addition to the punishment provided by law, he is liable for all such costs, expense, and disbursements paid or incurred by the enforcement agency, or any of its officers, agents, or employees, in the prosecution of the violation as shall be fixed by the court in which the violation is prosecuted.

Copy of judgment 17902. A certified copy of every judgment imposing a fine upon an owner of any building for a violation of this part pertaining to the building shall, upon the entry of judgment, be filed forthwith by the enforcement agency in the office of the county recorder of the county in which the building is situated. The county recorder shall index it immediately upon receiving it in the index of mechanics' liens. The fine is a Lien lien upon the building from the time the certified copy of the judgment is filed in the office of the recorder, subject only to taxes, assessments, and water rates, and to mortgage and mechanics' liens existing on the building prior to the filing.

## PART 2. AUTO COURTS AND RESORTS, AUTO AND TRAILER CAMPS

(Part 2 repealed and added by Stats. 1941, Ch. 1097.)

### CHAPTER 1. DEFINITIONS AND SCOPE

(Chapter 1 repealed and added by Stats. 1941, Ch. 1097.)

"Auto court and resort" 18100. "Auto court and resort" as used in this part means any area, place or tract of land where two or more single family dwellings, or a building containing two or more apartments designed, used, or intended wholly or in part for the accommodation of automobile transients are located and offered for hire, rent or lease by any person, firm or corporation.  
(Repealed and added by Stats. 1941, Ch. 1097.)

"Trailer coach" 18101. "Trailer coach," as used in this part, means any camp car, trailer or other vehicle, with or without motive power, designed and constructed to travel on the public thoroughfares at the maximum allowable speed limit and in accordance with the provisions of the Vehicle Code, and designed or used for human habitation.

(Repealed and added by Stats. 1941, Ch. 1097.)

"Auto and trailer camp" 18102. "Auto and trailer camp," as used in this part, mean any area or tract of land where space is rented or held out for rent to owners or users of trailer coaches or tent campers furnishing their own camping equipment, or where free camping is permitted owners or users of trailer coaches or tent camping equipment for the purpose of securing their trade.

(Repealed and added by Stats. 1941, Ch. 1097.)



18103. "Camp site," as used in this part, means any portion of an auto and trailer camp designed for the use or occupancy of one trailer coach or camping party.

(Repealed and added by Stats. 1941, Ch. 1097.)

18104. "Apartment," as used in this part, means a room or suite of rooms in a building occupied or designed for occupation by one family for living or sleeping purposes.

(Repealed and added by Stats. 1941, Ch. 1097.)

18105. "Building," as used in this part, means a tent, tent-house, rest room or a single or multifamily dwelling.

(Repealed and added by Stats. 1941, Ch. 1097.)

18106. "Dwelling," as used in this part, is a building containing one or more apartments.

(Repealed and added by Stats. 1941, Ch. 1097.)

18107. "Family," as used in this part, means one person living alone or a group of two or more persons occupying an apartment.

(Added by Stats. 1941, Ch. 1097.)

18108. In an auto court and resort or auto and trailer camp, "nuisance" includes any of the following:

(a) Any public nuisance known at common law or in equity jurisprudence.

(b) Whatever is dangerous to human life or is detrimental to health.

(c) The overcrowding of any room with occupants.

(d) Insufficient ventilation or illumination of any room.

(e) Inadequate or insanitary sewage or plumbing facilities.

(f) Whatever renders air, food, or drink unwholesome, or detrimental to the health of human beings.

(Added by Stats. 1941, Ch. 1097.)

18109. This part applies only in the unincorporated areas of the State.

(Added by Stats. 1941, Ch. 1097.)

## CHAPTER 2. ENFORCEMENT, ACTIONS AND PROCEEDINGS

(Chapter 2 repealed and added by Stats. 1941, Ch. 1097.)

18200. The California Highway Patrol shall enforce the provisions of Section 18602. The Division of Immigration and Housing in the Department of Industrial Relations shall enforce every other provision of this part; provided, however, that the health officer of the county in which any auto court or resort or auto and trailer camp is situated, may enforce the provisions of Article 3 of Chapter 4, and Articles 3, 4 and 5 of Chapter 5 of this code.

The officers or agents of the division or the county health officer may :

(a) Enter public or private property to determine whether there exists any auto court and resort, auto camp or trailer camp to which this part applies.

(b) Enter and inspect all auto courts and resorts, auto camps or trailer camps, wherever situated, and inspect all accommodations, equipment or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of the provisions of this part.

For the purpose of securing the enforcement of this part the officers or agents of the Division of Immigration and Housing shall have the authority of peace officers, including authority to make arrests, to serve any process or notice throughout the State, and generally such other authority of peace officers as may be necessary in order to secure enforcement of this part.

(Repealed and added by Stats. 1941, Ch. 1097; amended by Stats. 1943, Ch. 1131.)

18201. The owner or operator of an auto court and resort or an auto and trailer camp shall abate any nuisance in the court and resort or camp within five days, or within such longer period of time as may be allowed by the Division of Immigration and Housing, after he has been given written notice by the division to remove the nuisance. If he fails to do so within that time, the district attorney of the county in which the auto court and resort or camp, or the greater portion of the auto court and resort or camp, is situated shall bring a civil action to abate the nuisance in the superior court of the county in the name of the people of the State of California.

(Repealed and added by Stats. 1941, Ch. 1097.)

Facts  
required

18202. In any action or proceeding to abate a nuisance in an auto court and resort or auto and trailer camp, proof of the following facts is sufficient for a judgment or order for the abatement of the operation of the auto court and resort or auto and trailer camp :

(a) Previous conviction of the owner or operator of the auto court and resort or auto and trailer camp of a violation of this part which constitutes a nuisance.

(b) Failure on the part of the owner or operator to correct the violation after the conviction.

(c) The violation is the basis for the proceeding.

(Repealed and added by Stats. 1941, Ch. 1097.)

### CHAPTER 3. PERMITS AND FEES

(Chapter 3 repealed and added by Stats. 1941, Ch. 1097.)

Permit  
necessary

18300. It is unlawful for any person to do any of the following unless he first makes application in writing to the

Division of Immigration and Housing and obtains a permit therefor:

(a) Construct an auto court and resort or auto and trailer camp.

(b) Construct additional buildings or reconstruct or move existing buildings in an existing auto court and resort or auto and trailer camp.

(c) Operate, or rent, lease, sublease, let, or hire out for occupancy any space in an auto and trailer camp or any building in an auto court and resort that has been constructed, reconstructed, or altered or moved without having obtained a permit as required herein.

(Repealed and added by Stats. 1941, Ch. 1097.)

18301. In the case of a new auto court and resort, a new auto and trailer camp, or a new combination auto court and resort and auto and trailer camp, the application shall be accompanied by: Contents of application

(a) A description of the grounds upon which the auto court and resort or auto and trailer camp is to be constructed.

(b) Plans and specifications of the proposed construction.

(c) A description of the water supply, ground drainage, and method of sewage disposal.

(d) A fee of twenty-five dollars (\$25), except that the fee shall be waived when the new auto court and resort or new auto and trailer camp is to be operated as a combination auto court and resort and auto and trailer camp with an auto court and resort or trailer camp for which a fee has been paid and a permit issued.

(Repealed and added by Stats. 1941, Ch. 1097.)

18302. In the case of an existing auto court and resort or auto and trailer camp, the application shall be accompanied by: Same

(a) A description of the grounds upon which buildings are to be added or reconstructed, or to which buildings are to be moved, or which is to be used for camping purposes.

(b) Plans and specifications of the proposed addition, reconstruction or movement.

(c) A description of the water supply, ground drainage, and method of sewage disposal.

(Repealed and added by Stats. 1941, Ch. 1097.)

18303. Within 10 days after the application, descriptions, plans and specifications, and required fee, if any, are filed and paid, an inspector of the Division of Immigration and Housing shall inspect the grounds upon which the applicant proposes to do the work for which he seeks a permit. The division shall issue a written permit to the applicant if, in its opinion: Inspection

(a) The grounds are satisfactory for the work proposed.

(b) The descriptions and plans and specifications filed indicate that the work proposed will meet the requirements of this part.

(Repealed and added by Stats. 1941, Ch. 1097.)



- Changes 18304. The Division of Immigration and Housing shall be notified by the owner or operator of any auto court and resort or auto and trailer camp of any change in the name of or the ownership or possession thereof. Said notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession.  
(Repealed and added by Stats. 1941, Ch. 1097.)
- Posting 18305. Permits for construction and operation shall be posted in a conspicuous place.  
(Added by Stats. 1941, Ch. 1097.)
- Expiration 18306. All permits as required in this chapter for construction or reconstruction of an auto court and resort or auto and trailer camp shall automatically expire within six months from the date of the issuance thereof in those cases where the construction or reconstruction has not been completed within said period; provided, however, that the Division of Immigration and Housing may extend the expiration date of said permit for a reasonable time.  
(Added by Stats. 1941, Ch. 1097.)

#### CHAPTER 4. AUTO COURTS AND RESORTS

(Chapter 4 repealed and added by Stats. 1941, Ch. 1097.)

##### Article 1. Construction

(Article 1 repealed and added by Stats. 1941, Ch. 1097.)

- Substantial work 18400. Every building in an auto court and resort shall be constructed in a substantial and thoroughly workman-like manner; and shall provide shelter to the occupants against the elements, and exclude dampness in inclement weather.  
(Repealed and added by Stats. 1941, Ch. 1097.)

18401. (Repealed by Stats. 1941, Ch. 1097.)

- Studs 18402. The wooden studs in every bearing wall and bearing partition shall be not less than two inches by four inches; and the studs shall be spaced not more than 16 inches center to center, except that construction of equal or greater strength may be used in lieu thereof.  
(Repealed and added by Stats. 1941, Ch. 1097.)

18403. All wooden stud walls and partitions shall be effectively fire stopped at the floors and ceilings.  
(Repealed and added by Stats. 1941, Ch. 1097.)

- Angle bracing 18404. Each wooden stud wall and partition shall be thoroughly and effectively angle-braced at each corner and at least once in each 25 feet of its length, except that diagonal

sheathing or other membrane of comparable strength and rigidity may be used for angle-bracing.

(Repealed and added by Stats. 1941, Ch. 1097.)

18405. No floor joist or other bearing support shall be cut or notched for any purpose unless it is reinforced to take up the weakness caused by the cut or notch.

Reinforce-  
ment

(Added by Stats. 1941, Ch. 1097.)

18406. Every span of wooden floor joists shall be cross-bridged with cross-bridging of not less than two-inch by three-inch material, at intervals not more than eight feet apart. A bearing partition, wall, girder, or other support under the joists that is blocked solid over its top between the joists with blocks not less than two inches thick the full depth of the joists shall take the place of cross-bridging.

Cross-  
bridging

(Added by Stats. 1941, Ch. 1097.)

18407. Unless it is impracticable because of soil conditions, every wooden building shall have a masonry foundation of adequate size to accommodate the structure.

Foundation

(Added by Stats. 1941, Ch. 1097.)

18408. There shall be a clear air space under the lower floor of every building in an auto court and resort. The air space shall:

Air space

(a) Measure at least 12 inches in the clear from the underside of the floor joists to the ground directly beneath; provided, that waterproof masonry floors of not less than four-inch thickness may be laid directly on the ground.

(b) Be enclosed.

(c) Be provided with a sufficient number of openings with screens, lattice work, or similar installations, of a size to insure ample ventilation.

The surface underneath the floor shall be kept clean, and shall be free from any accumulation of rubbish, debris, or filth.

(Added by Stats. 1941, Ch. 1097.)

18409. Every sleeping room in any building in an auto court and resort shall:

Sleeping  
room

(a) Have a superficial floor area of at least 80 square feet.

(b) Be at least seven feet in width at any point within that portion of the room included in computing the minimum required superficial floor area.

(Added by Stats. 1941, Ch. 1097.)

18410. Every sleeping room and kitchen in any building in an auto court and resort shall have a ceiling height of at least eight feet, measured from the finished floor to the finished ceiling; but if the room has a sloping ceiling, the ceiling height may be less than eight feet in not more than one-half the sloping ceiling portion of the room.

Ceiling

(Added by Stats. 1941, Ch. 1097.)

- Partitions** 18411. Every partition in a building in an auto court and resort separating a room used for cooking purposes from a room used for sleeping purposes shall extend to the ceiling; or to the roof, if there is no ceiling and any openings therein shall be provided with a full length solid door.  
(Added by Stats. 1941, Ch. 1097.)
- Kitchen** 18412. Every kitchen in any building in an auto court and resort shall contain not less than 50 square feet of floor area.  
(Added by Stats. 1941, Ch. 1097.)
- Bath rooms** 18413. Every room in a building in an auto court and resort used as a toilet or bath room shall be separated by a partition extending to the ceiling, or to the roof if there is no ceiling, and any openings therein shall be provided with a full length solid door.  
(Added by Stats. 1941, Ch. 1097.)
- Exemption** 18414. The provisions of Sections 18402, 18403, 18404, 18405, 18406 and 18407 of this article shall not apply to the construction of tent houses in seasonal resorts operated between May 1st and October 15th of each year.  
(Added by Stats. 1941, Ch. 1097.)

## Article 2. Windows

(Article 2 repealed and added by Stats. 1941, Ch. 1097.)

- "Window"** 18430. "Window," as used in this article, includes a French door or window.  
(Repealed and added by Stats. 1941, Ch. 1097.)
- Measurement** 18431. Windows required by this article may be measured the full width of the sash.  
(Repealed and added by Stats. 1941, Ch. 1097.)
- Area** 18432. Every living room, sleeping room, or kitchen in every building in any auto court and resort shall be provided with one or more windows having an aggregate area of not less than one-eighth the floor area of the room, or not less than 12 square feet, whichever is the greater.  
Every bath or water closet compartment in the building shall be provided with one or more windows having an aggregate area of not less than three square feet; provided, however, if the room contains more than one water closet, bath or urinal, the total window area shall be equivalent to three square feet for each water closet, bath or urinal, but need not exceed one-fourth of the superficial floor area of the room.  
(Repealed and added by Stats. 1941, Ch. 1097.)
- Open area** 18433. Windows required by this article shall be so arranged that at least one-half of their aggregate area may be opened.  
(Repealed and added by Stats. 1941, Ch. 1097.)



18434. All required windows shall abut upon a street, or a yard or court not less than four feet in clear width, and containing an area of not less than 40 square feet, open and unobstructed to the sky, located on the same lot as the building it serves. Required bath or toilet room windows, however, may open into a vent shaft at least three feet in its least dimension and unobstructed to the sky. View from window

(Repealed and added by Stats. 1941, Ch. 1097.)

18435. Any window required by this article may open through a roofed porch which

(a) Does not exceed seven feet in depth.

(b) Has one side or one end abutting a street, or a yard or court not less than four feet in width. Such street, yard or court shall be directly opposite the windows served.

(c) Has a ceiling height of not less than seven feet.

The open and unobstructed side and end of the porch may be covered with metal screening of at least 16 mesh.

(Repealed and added by Stats. 1941, Ch. 1097.)

18436. (Repealed by Stats. 1941, Ch. 1097.)

### Article 3. Plumbing, Use and Sanitation

(Article 3 repealed and added by Stats. 1941, Ch. 1097.)

18460. One water closet for each sex shall be provided for every 10 apartments or fractional part thereof in an auto court and resort; provided, however, that the enforcement agency may authorize other types of toilet facilities in its discretion. Water closets

(Repealed and added by Stats. 1941, Ch. 1097.)

18461. One shower or bath tub for each sex shall be provided for every 10 apartments or units or fractional part thereof in every auto court and resort. Such shower or bath tub shall be supplied with hot and cold water. Bathing

(Repealed and added by Stats. 1941, Ch. 1097.)

18462. The floor of every water-closet and shower-bath compartment shall be constructed, and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the shower bath compartment to a height of not less than six feet above the floor. Flooring

(Repealed and added by Stats. 1941, Ch. 1097.)

18463. No apartment or unit shall be more than 200 feet from a toilet and a shower or bath compartment.

(Repealed and added by Stats. 1941, Ch. 1097.)

18464. Each kitchen shall be provided with a kitchen sink supplied with running water. Kitchen

(Repealed and added by Stats. 1941, Ch. 1097.)

18465. No door or other opening in a water-closet compartment shall open from or into any room in which food is stored, prepared, or cooked.

(Added by Stats. 1941, Ch. 1097.)

**Vents** 18466. In every building in an auto court and resort every plumbing fixture affecting the sanitary drainage system shall be separately and effectively trapped and vented and the vent pipe shall extend to the outer air above the roof.

(Added by Stats. 1941, Ch. 1097.)

**Cesspool** 18467. If it is impracticable to connect the plumbing fixtures affecting the sanitary drainage system with municipal or sanitary district sewer, sewage or waste may be discharged into a cesspool or into a septic tank constructed to the satisfaction of the enforcement agencies; provided, such method of disposal is not in conflict with any existing county ordinances or regulations.

(Added by Stats. 1941, Ch. 1097.)

**Water supply** 18468. There shall be in every auto court and resort an adequate supply of pure water for all the requirements of the camp. The water shall be obtainable from faucets installed within 100 feet of each part of the court.

(Added by Stats. 1941, Ch. 1097.)

**Dipping** 18469. No dipping vessels or cups for common use are permissible in any auto court and resort.

(Added by Stats. 1941, Ch. 1097.)

**Gas appliances** 18470. Every gas water heater, and every other gas-fire appliance used for the purpose of heating a building, except gas plates and gas ranges, in every auto court and resort apartment shall be effectively vented so as to discharge at least 90 per cent of the flue gases therefrom through a sheet metal or other approved vent pipe not less than the area of the vent outlet on the appliance but in no case less than three inches in internal diameter, which vent pipe shall be connected to a vertical, or substantially vertical flue or chimney leading to the outer air above the roof. The flue or chimney shall be either terra cotta, brick, fire clay, or other approved product, having a wall thickness of adequate insulating value, and which will not disintegrate from the effects of the products of combustion. The internal area of the flue or chimney shall be at least 12 square inches.

All gas appliances subject to the provisions of this section and all gas plates and gas ranges shall be rigidly connected with metal piping directly to the gas service inlet.

(Added by Stats. 1941, Ch. 1097.)

18471. A room used for the cooking and preparation or storage of food shall not be used for sleeping purposes.

(Added by Stats. 1941, Ch. 1097.)

18472. It is unlawful to use or permit to be used for sleeping purposes any room in any building that does not contain at least 640 cubic feet of air space. Air space

If any room is used for sleeping purposes by more than two persons, the minimum required cubic air space of the room shall be increased by not less than 500 cubic feet for each additional person in excess of two that the room is designed, built, or intended to, or does, accommodate.

(Added by Stats. 1941, Ch. 1097.)

18473. Every building in an auto court and resort and every part of such building shall be maintained in a clean and sanitary condition and shall be kept free from vermin, debris, filth, rubbish, garbage or other offensive matter. Sanitary

(Added by Stats. 1941, Ch. 1097.)

18474. The premises upon which an auto court and resort is situated shall be well drained and properly graded and maintained in a clean and sanitary condition. Draining

(Added by Stats. 1941, Ch. 1097.)

18475. Every mattress and all bedding used in any auto court and resort shall be maintained in a clean and sanitary condition and free from vermin. Vermin

(Added by Stats. 1941, Ch. 1097.)

18476. All garbage, waste and rubbish in every auto court and resort shall be burned, buried or removed from the premises without creating a nuisance and in such manner as may be approved by the health department of the county in which the camp is located. Refuse

(Added by Stats. 1941, Ch. 1097.)

Article 4. (Repealed by Stats. 1941, Ch. 1097.)

18480. (Repealed by Stats. 1941, Ch. 1097.)

## CHAPTER 5. AUTO AND TRAILER CAMPS

(Chapter 5 repealed and added by Stats. 1941, Ch. 1097.)

### Article 1. General Provisions

(Article 1 repealed and added by Stats. 1941, Ch. 1097.)

18600. Every trailer coach parked in a trailer camp shall comply with all of the requirements of that part of this code pertaining to buildings in an auto court and resort under any of the following circumstances: Building provisions applicable

(a) Where the wheels or tires have been removed therefrom, except for the purpose of making temporary repairs or placing it in dead storage.

(b) Where the trailer coach has been rigidly attached to or connected with water, gas or sewer pipes.



(c) Where the trailer coach has been permanently attached to the ground by means of underpinning or foundation.

(d) Where the trailer coach has been altered or changed in such a manner that it fails to comply with the requirements of the Vehicle Code governing the use of trailers on public thoroughfares.

(e) Where the trailer coach does not carry a current yearly license issued by a State motor vehicle department.

(f) Where the trailer coach is in the possession or control of the operator of the camp or his agent and is used for occupancy in the camp.

(Repealed and added by Stats. 1941, Ch. 1097.)

Owner's  
permission

18601. It is unlawful for any person to use, occupy, or maintain any trailer coach, tent or tent-house upon any area or tract of land for a period of more than seven days during any one three-months' period of time without the written permission of the owner or person legally in charge of the land.

(Repealed and added by Stats. 1941, Ch. 1097.)

Parking

18602. It is unlawful to camp over night or to park a trailer coach over night upon any public highway including the right of way. This provision shall not apply where a trailer coach is parked for the purpose of making emergency repairs.

(Repealed and added by Stats. 1941, Ch. 1097.)

## Article 2. Camp Sites

(Article 2 repealed and added by Stats. 1941, Ch. 1097.)

Size

18625. Each camp site in an auto and trailer camp shall be not less than 500 square feet in area with a clear space of not less than six feet between each camp tent or trailer coach or another building, and the distance of any tent or trailer coach to the lot line shall be not less than three feet.

(Repealed and added by Stats. 1941, Ch. 1097.)

When no  
sites

18626. An auto and trailer camp shall not accommodate any camping parties for whom there are no available camp sites in the camp.

(Repealed and added by Stats. 1941, Ch. 1097.)

## Article 3. Water-closet, Bathing, and Plumbing Facilities

(Article 3 repealed and added by Stats. 1941, Ch. 1097.)

Number

18650. There shall be not less than one water closet for each sex for each 10 camp sites or fractional part thereof; provided, however, that the enforcement agency in its discretion may authorize the use or other types of toilet facilities. All toilet facilities shall not be farther than 200 feet from each camp site.

(Repealed and added by Stats. 1941, Ch. 1097.)

18651. In every auto and trailer camp water closets for <sup>Markings</sup> men shall be distinctly marked: "For men"; and water closets for women shall be distinctly marked: "For women." In addition, the location of water closets shall be plainly indicated by signs.

(Repealed and added by Stats. 1941, Ch. 1097.)

18652. The floor of every water-closet compartment shall <sup>Floor</sup> be constructed and shall be maintained in a waterproof condition by the use of cement, concrete, or other waterproof material. The waterproof material shall be applied upward on the interior walls of the water-closet compartment, to a height of not less than 12 inches above the floor.

(Repealed and added by Stats. 1941, Ch. 1097.)

18653. It is unlawful for any person to use, or permit the use of, any toilet in any trailer coach located or camped within an auto and trailer camp.

(Repealed and added by Stats. 1941, Ch. 1097.)

18654. In every auto and trailer camp, shower baths or <sup>Number in auto court</sup> other bathing facilities with hot and cold running water shall be installed in separate compartments for every 10, or fractional part of 10 camp sites for each sex. All shower baths or other bathing facilities provided herein shall not be farther than 200 feet from each camp site.

(Repealed and added by Stats. 1941, Ch. 1097.)

18655. The floor of every shower bath compartment shall <sup>Flooring</sup> be constructed and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the compartment to a height of not less than six feet above the floor.

(Repealed and added by Stats. 1941, Ch. 1097.)

18656. Every water-closet compartment or compartments <sup>Standards</sup> containing bathing facilities shall be:

(a) Kept clean.

(b) Kept free from obnoxious odors, flies, mosquitoes, or other insects.

(c) Provided with one or more windows having an aggregate area of not less than three square feet. However, if the room contains more than one water closet, bath or urinal, the total window area shall be equivalent to three square feet for each water closet, bath or urinal, but need not exceed one-fourth of the superficial floor area of the room.

(Repealed and added by Stats. 1941, Ch. 1097.)

18657. There shall be installed in every auto and trailer <sup>Slop sinks</sup> camp one or more slop sinks, which shall be conveniently located within 100 feet of each trailer coach or camp site.

(Repealed and added by Stats. 1941, Ch. 1097.)

**Traps** 18658. In every building in an auto and trailer camp every plumbing fixture affecting the sanitary drainage system shall be separately and effectively trapped and vented and the vent pipe shall extend to the outer air above the roof.  
(Repealed and added by Stats. 1941, Ch. 1097.)

**Drainage** 18659. If it is impracticable to connect the plumbing fixtures affecting the sanitary drainage system with a municipal or sanitary district sewer, sewage or waste may be discharged into a cesspool or into a septic tank constructed to the satisfaction of the enforcement agencies; provided, such method of disposal is not in conflict with any existing county ordinance or regulation.

(Repealed and added by Stats. 1941, Ch. 1097.)

**Water** 18660. There shall be in every auto and trailer camp an adequate supply of pure water for all the requirements of the camp. The water shall be obtainable from faucets installed within 100 feet of each part of the camp.

(Added by Stats. 1941, Ch. 1097.)

18661. No dipping vessels or cups for common use are permissible in any auto and trailer camp.

(Added by Stats. 1941, Ch. 1097.)

#### Article 4. Garbage and Rubbish Disposal

(Article 4 repealed and added by Stats. 1941, Ch. 1097.)

**Metal cans** 18680. In every auto and trailer camp one or more metal garbage cans with tight fitting covers, appropriately labeled, shall be provided for every six, or fractional part of six, trailer coaches or camp sites within the camp.

(Repealed and added by Stats. 1941, Ch. 1097.)

**Disposal** 18681. All garbage, waste, and rubbish in every auto and trailer camp shall be burned, buried, or removed from the premises and disposed of without creating a nuisance.

(Repealed and added by Stats. 1941, Ch. 1097.)

**Distance** 18682. Any person who uses, occupies, operates, or maintains any trailer coach shall not deposit or dispose of any garbage, rubbish, or refuse otherwise than by burning or burying it at a distance more than 50 feet from any public highway or road and more than 200 feet from any spring, well, stream, lake, reservoir, or other source of water supply.

(Repealed and added by Stats. 1941, Ch. 1097.)

**Waste water** 18683. It shall be unlawful to permit any waste water or material from sinks or other plumbing fixtures in a trailer coach to be deposited upon the surface of the ground, and all such fixtures, when in use, must be connected to a sewer system or covered cesspool or septic tank.

(Repealed and added by Stats. 1941, Ch. 1097.)



18684. (Repealed by Stats. 1941, Ch. 1097.)

18685. (Repealed by Stats. 1941, Ch. 1097.)

#### CHAPTER 5. MAINTENANCE AND SANITATION

(Chapter 5 repealed and added by Stats. 1941, Ch. 1097.)

18710. The area or tract of land upon which an auto and trailer camp is maintained shall be: Maintenance

(a) Well drained and graded.

(b) Kept free from dust.

(c) Kept clean and free from the accumulation of refuse, garbage, rubbish, or debris.

(Repealed and added by Stats. 1941, Ch. 1097.)

18711. (Repealed by Stats. 1941, Ch. 1097.)

18712. (Repealed by Stats. 1941, Ch. 1097.)

#### CHAPTER 6. MISCELLANEOUS PROVISIONS

(Chapter 6 repealed and added by Stats. 1941, Ch. 1097.)

18720. Every person who owns or operates an auto court and resort or an auto and trailer camp shall keep a register in which shall be entered (a) the name and address of each guest who is the owner or operator of an automobile for which space is rented in the camp; and (b) the make, type and license number of the automobile. Registration

(Added by Stats. 1941, Ch. 1097.)

18721. This part does not apply to any supervised public park, public camp ground, or picnic ground owned, operated, or maintained by any of the following: Public grounds

(a) The Federal Government.

(b) The State.

(c) Any agency or political subdivision of the State.

(Added by Stats. 1941, Ch. 1097.)

18721.5. This part does not apply to any hotel or apartment house which is subject to the provisions of Part 1 of this division. Hotels

(Added by Stats. 1941, Ch. 1097.)

18722. It is unlawful for any person to operate or maintain, or cause or permit to be operated or maintained, any auto and trailer camp, unless there is a caretaker in the camp at all times. The caretaker shall enforce within the camp the provisions of this part governing the operation and maintenance of auto and trailer camps. Caretaker

(Added by Stats. 1941, Ch. 1097.)

## CHAPTER 7. VIOLATIONS

(Chapter 7 added by Stats. 1941, Ch. 1097.)

**Penalty** 18800. Every owner or operator of an auto court and resort or an auto and trailer camp who violates any of the provisions of this part is guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars (\$200) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

(Repealed and added by Stats. 1941, Ch. 1097.)

18801. (Repealed by Stats. 1941, Ch. 1097.)

18802. (Repealed by Stats. 1941, Ch. 1097.)

## PART 3. MISCELLANEOUS

## CHAPTER 1. SCOPE AND APPLICATION

**Scope of part** 19000. Any provision in this part which is inconsistent with any provision in the State Housing Act is inapplicable to buildings subject to that law.

## CHAPTER 2. EARTHQUAKE PROTECTION

## Article 1. Scope and Application

**Exemptions** 19100. This chapter does not apply to any of the following buildings:

(a) Any building not intended primarily for occupancy by human beings and located entirely outside the limits of a city or city and county.

(b) Any building designed and constructed for use exclusively as a dwelling by not more than two families and located entirely outside the limits of a city or city and county.

(c) Any building designed and constructed primarily for use in housing poultry, live stock, hay, grain, or farm machinery and supplies, and located wholly or in part within the limits of a city or city and county.

(d) Any building under construction on and prior to May 26, 1933.

**Local standards** 19101. Any city, city and county, or county may establish by ordinance construction standards higher than those established by this chapter.

## Article 2. Enforcement

**In cities** 19120. The building department of every city and city and county shall enforce this chapter within the city or city and county.

**"Building department"** "Building department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings.

19121. The department, officer, or officers of a county who are charged with the enforcement of ordinances or laws regulating the erection, construction, or alteration of buildings shall enforce this chapter within the county but outside the territorial limits of any city. Outside cities

19122. Any city or county may, by ordinance, designate any department or officer, other than a department or officer mentioned in this chapter, to enforce all or any part of this chapter. Local designation

19123. In any city where there is no department or officer charged with or designated for the enforcement of this chapter, the appropriate department, officer, or officers of the county in which such city is located shall enforce this chapter. County enforcement

In any county where there is no department or officer charged with or designated for the enforcement of this chapter, this chapter shall be enforced by the county engineer, if there is a county engineer, and if not, then by the county surveyor.

(Added by Stats. 1941, Ch. 301.)

## Article 2a. Building Permits

(Article 2a added by Stats. 1941, Ch. 1097.)

19130. No person shall construct a building subject to this chapter unless he has obtained a written permit for that purpose from the appropriate enforcement agency. Permit required

(Added by Stats. 1941, Ch. 301.)

19131. Any person desiring a permit shall file an application therefor with the appropriate enforcement agency, which application shall contain: Application

(a) The name and address of the applicant.

(b) A detailed written statement of the work to be done.

(Added by Stats. 1941, Ch. 301.)

19132. The applicant shall file with his application: Filing

(a) A complete set of the plans of the work proposed.

(b) A set of specifications describing the materials to be used in the work.

(Added by Stats. 1941, Ch. 301.)

19133. The enforcement agency shall examine the application, plans, and specifications filed with it by an applicant, and if it appears that the work to be done will not result in a violation of this chapter, shall approve them and issue a permit to the applicant. Examination

(Added by Stats. 1941, Ch. 301.)



**Changes** 19134. The enforcement agency may approve changes in any application, plans, or specifications previously approved by it.

(Added by Stats. 1941, Ch. 301.)

**Revocation** 19135. The enforcement agency may revoke any permit if the permittee refuses, fails, or neglects to comply with any provision of this chapter, or if it finds that any false statement or misrepresentation was made in the application, plans, or specifications filed by the permittee.

(Added by Stats. 1941, Ch. 301.)

**Work authorized** 19136. The work authorized by a permit shall be performed only in accordance with the application, plans, and specifications filed by the permittee.

(Added by Stats. 1941, Ch. 301.)

**Violations** 19137. The issuance of a permit does not constitute approval of any violation of any provision of this chapter.

(Added by Stats. 1941, Ch. 301.)

**Filings under State Housing Act** 19138. In any case where a building subject to this chapter is also subject to the permit provisions of the State Housing Act, it shall not be necessary to make duplicate filings of plans and specifications hereunder, nor shall it be necessary to include in the application a detailed statement of the work to be done. In such cases, the application hereunder may contain a general statement of the work to be done, with a specific reference to the application, plans, and specifications filed under the State Housing Act.

(Added by Stats. 1941, Ch. 301.)

### Article 3. Design and Construction

**Horizontal force resistance** 19150. Every building of any character, except a building to which this chapter does not apply, constructed in any part of this State shall be designed and constructed to resist and withstand horizontal forces from any direction of not less than either of the following, whichever is the greater:

(a) Two per cent of the total vertical design load.

(b) Twenty pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building more than 60 feet in height, and 15 pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building 60 feet or less in height

(Amended by Stats. 1941, Ch. 1065.)

**Computation** 19151. In computing the resistance of any building to horizontal forces, the stresses resulting from the combined vertical and horizontal forces shall not exceed one and one-third times the allowable working stresses.

“Allowable working stresses” means stresses specified by: “Allowable working stresses”

(a) An ordinance of the locality in which the building is situated.

(b) The Division of Architecture in the State Department of Public Works for the locality in which the building is situated, if the locality has no ordinance on the subject.

#### Article 4. Violations

19170. Any person who violates, or causes or permits another person to violate, any provision of this chapter is guilty of a misdemeanor. Penalty

(Amended by Stats. 1941, Ch 301.)

#### CHAPTER 3. AIR SPACE IN SLEEPING ROOMS

19300. Every room used for sleeping purposes in any building or structure within any city shall contain at least 500 cubic feet of air space for each occupant. If any such room contains less air space, any owner, lessor, lessee, landlord, tenant, or occupant of the room is guilty of a misdemeanor. Air space

#### CHAPTER 4. HOTEL BEDDING AND SANITATION

##### Article 1. Definitions

19400. “Hotel,” as used in this chapter, includes a lodging house, rooming house, or other building or structure maintained, advertised, or held out to the public as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public, whether with or without meals. “Hotel”

19401. “Bedding,” as used in this chapter, includes bedclothes, bedcovering, mattresses, quilts, blankets, sheets, pillows, pillow slips, and comforters. “Bedding”

##### Article 2. Enforcement

19420. The State Department of Public Health and the local health officers shall enforce this chapter. Enforcement

##### Article 3. Bedding

19440. Every bed used in any hotel shall be provided with a sufficient supply of bedding. Supply

19441. Clean sheets and pillow slips shall be supplied for each bed in an hotel at least as often as the bed is assigned to a different person. Change

19442. Sheets on single beds in an hotel shall be at least 50 inches wide and 98 inches long. Sheets on all other beds in an hotel shall be at least 81 inches wide and 98 inches long. Sheet dimensions

Sanitation 19443. All bedding used in any hotel shall be kept clean, and shall be free from filth or dirt.

Worn bedding 19444. Bedding which is worn out or unfit for use by human beings shall not be used in any hotel.

#### Article 4. Sanitation

Towels 19470. In every hotel in which there is a public washstand or washbowl, there shall be a sufficient supply of clean, individual towels for the use of, and visible and easily accessible to, persons who may use the washstand or washbowl.

Ventilation 19471. Every room used for sleeping purposes in any hotel shall be properly and sufficiently ventilated by means of a window, transom, or other device.

Fumigation 19472. Any room in any hotel which is infected with bedbugs or other vermin shall be fumigated, disinfected, and renovated until the bedbugs or other vermin are exterminated.

Sanitation 19473. The walls, floor, ceiling, doors, and other portions of every room used for sleeping purposes in any hotel shall be kept free from dirt or filth.

#### Article 5. Violations

Penalty 19500. Every owner, lessee, manager, or person in charge of any hotel who violates, or permits a violation of, this chapter is guilty of a misdemeanor punishable by a fine of not more than two hundred dollars (\$200) or imprisonment for not more than three months.

He is guilty of a separate offense for each day that he commits or permits a violation.

#### CHAPTER 5. GAS ILLUMINATION IN RENTED ROOMS

Turning off gas at meter 19600. Unless the exit orifices on the gas fixtures in the building are connected with a practical and safe automatic gas igniter, every keeper of an hotel, lodging house, or other building or structure containing rooms rented to lodgers, in which illuminating gas is used, who turns off, or causes the turning off of, the flow of the gas at the meter during the time that any room is in use is guilty of a misdemeanor.

#### CHAPTER 6. EXIT AND STAIRWAY SIGNS IN HOTELS, ETC.

Signs 19700. The owner, lessee, manager, or other person in control or in charge of any hotel, lodging house, or rooming house shall place and maintain in conspicuous places in the halls of the building signs directing the way to the exits and stairways.



19702. Any person who violates this chapter is guilty of a <sup>Penalty</sup> misdemeanor punishable by a fine not exceeding one hundred dollars (\$100), or by imprisonment not exceeding three months, or by both.

## CHAPTER 7. REFRIGERANTS AND REFRIGERATION PLANTS

(Chapter 7 added by Stats. 1941, Ch. 987.)

19800. Refrigeration manufacturers shall hereafter on each <sup>Refrigeration</sup> mechanical refrigerator and refrigeration plant which they manufacture and installation companies shall on each refrigeration plant which they install place a label designating the type of refrigerant the unit uses and, if the refrigerator has a refrigerating unit which contains more than 20 pounds of refrigerant and is of a type which can not readily be transported without disconnecting the piping or other part thereof containing refrigerant, shall label the control and diffusion valves of the unit, if any, so that any person in case of emergency will be able to turn off or shut down the plant or refrigerator quickly and expeditiously. Each violation of this section is a misdemeanor.

(Added by Stats. 1941, Ch. 987.)

## DIVISION 14. POLICE PROTECTION

### PART 1. POLICE PROTECTION DISTRICTS

#### CHAPTER 1. IN UNINCORPORATED TOWNS

##### Article 1. Definitions and General Provisions

20000. "District," as used in this chapter, means a <sup>"District"</sup> police protection district formed pursuant to this chapter or pursuant to any law which it supersedes.

20001. "Board," as used in this chapter, means the <sup>"Board"</sup> board of supervisors of the county in which it is proposed to form a district, or in which a district has been formed.

20002. "District board," as used in this chapter, means <sup>"District board"</sup> the board of police commissioners of a district.

20003. "Commissioner," as used in this chapter, means a <sup>"Commissioner"</sup> member of the district board.

20004. Any reference in this chapter to a county or county <sup>Reference</sup> officer is a reference to the county or officer of the county in which a district is situated.

20005. No tax levied, assessed, or collected, and no elec- <sup>Errors, etc.</sup> tion held, pursuant to this chapter is illegal, void, or voidable on account of any error, omission, or informality, or failure to comply strictly with this chapter.

## Article 2. Formation

**Area of formation** 20025. Any unincorporated town may, pursuant to this article, be formed into a district for equipping and maintaining a police department to protect and safeguard life and property.

**Petition** 20026. Proceedings for the formation of a district are initiated whenever 50 or more persons who are taxpayers and residents of an unincorporated town present a petition to, and at a regular meeting of, the board of the county in which the town is situated.

**Contents** The petition shall contain:

(a) A statement of the name and boundaries of the proposed district.

(b) A request for the formation of the district.

**Time of hearing** 20027. The board shall fix a time and place for hearing the petition and all protests against it. The hearing shall be not less than 25 nor more than 30 days after the date of the presentation of the petition.

**Notice: Posting** 20028. At least seven days before the date set for the hearing, the clerk of the board shall post notices of the presentation and hearing of the petition in three of the most public places in the proposed district. The notices shall be headed, "Notice of the Proposed Formation of ----- Police Protection District" (stating the name of the proposed district), in letters not less than one inch in height. They shall set forth in legible characters:

(a) The fact and date of the presentation of the petition.

(b) The time and place set for hearing the petition and protests.

(c) The boundaries of the proposed district.

(d) A reference to the petition for further particulars.

**Publication** 20029. The clerk of the board shall also publish a notice, similar in substance to the notices required to be posted, at least once a week for two consecutive weeks in a newspaper of general circulation printed and published in the county in which the proposed district is situated and designated by the board. The publication during the second week shall be made at least seven days before the date set for the hearing.

**Protests** 20030. Any person interested in the proposed district who has any objection to its formation or extent, or to the inclusion of his property, may file a written protest setting forth his objection with the clerk of the board at or before the time set for hearing the petition.

The clerk shall note on each protest the date of its receipt by him, and shall present the protest to the board at the time fixed for the hearing.

20031. The board shall hear and pass upon the petition Hearing and every protest at the time fixed in the notices of hearing, or at any time to which the hearing may be continued.

20032. If any protest filed sets forth an objection to the Boundaries extent of, or the inclusion of property in, the proposed district, the board at the hearing shall define and establish the boundaries. To that end, it may make such changes in the proposed boundaries of the district as it finds are proper and advisable. However, it shall not:

(a) Extend the proposed boundaries.

(b) Modify the proposed boundaries so as to exclude from the district any territory which will be benefited by the district.

(c) Include any territory which will not, in its judgment, be benefited by the district.

20033. The board acquires jurisdiction to proceed further Jurisdiction to proceed pursuant to this chapter at the time fixed for the hearing of the petition, if no protest is filed; or after the boundaries of the proposed district are defined and established, if a protest is filed.

20034. Within 30 days after acquiring jurisdiction to proceed further, the board shall by resolution order the establishment of the district. Order

20035. The name of the district shall be designated in Name the order as: "----- Police Protection District of ----- County" (stating the name of the district and the name of the county in which the district is situated).

20036. The order establishing the district shall be entered Entry and effect of order in the minutes of the board and shall be prima facie evidence of:

(a) The presentation of a proper petition to the board.

(b) The fact that at the time he signed the petition and at the time of its presentation each petitioner was a taxpayer and resident of the territory occupied by the district.

(c) The fact and regularity of all prior proceedings required by this article.

(d) The existence and validity of the district.

20037. The decision of the board on any petition for the Decision final formation of a district is final.

### Article 3. Administration

20060. A district shall be governed by a district board of Board three commissioners, each of whom shall be a resident of the district.



First commissioners

20061. Within 30 days after acquiring jurisdiction to proceed further, and at the same time as, or after, the adoption of the order establishing the district, the board shall appoint the first commissioners of the district. Each of such commissioners shall hold office until the second Monday in April next after his appointment, and until his successor is elected and has qualified pursuant to this article.

Immediate successors

20062. The immediate successors of the first commissioners shall be selected at an election on the first Monday of April following the appointment of the first commissioners, for terms commencing on the next succeeding Monday of the same month. These commissioners shall at their first meeting so classify themselves by lot that one of their number shall go out of office on the second Monday of April of the year next succeeding the election; one on the second Monday of April of the second year succeeding the election; and one on the second Monday of April of the third year succeeding the election.

Annual election

20063. On the first Monday of April of the year next succeeding the first election, and on the first Monday of April annually thereafter, one commissioner shall be elected for a term commencing on the next succeeding Monday in the same month and terminating at the end of three years and when his successor is elected and has qualified.

Election law

20064. Except as otherwise provided in this article, an election for a commissioner shall be conducted pursuant to the general election laws of the State.

Notices

20065. The district board shall post notices of the election in three public places within the district for at least two weeks before the day of the election.

Judges

20066. The district board shall appoint judges of election to conduct the election. Within 24 hours after the election, the judges of election shall report and certify to the district board the number of votes cast for each person voted for.

Canvass of returns

20067. Within five days after it receives the returns from the judges of the election, the district board shall canvass the returns, determine who has been elected, and forthwith issue a certificate of election to each person elected.

Vacancy

20068. A vacancy occurring in the office of an elected commissioner shall be filled by an appointment of the board.

Compensation

20069. Every commissioner shall serve without compensation.

20070. The district board shall adopt all rules and regulations necessary for the administration, operation, and maintenance of the district. Rules and regulations

20071. The district board shall determine the number of employees, if any, necessary for the proper care and protection of the life and property of residents in the district. It shall appoint all district employees and prescribe their duties and compensation. All such employees shall hold their positions at the pleasure of the district board. Employees

20072. For the purpose of housing its police equipment and apparatus, the district board may acquire land and erect a police station; or acquire land on which a police station, or a building suitable for a police station, has been erected. Police station

20073. Before acquiring any real property for a police station, the district board may submit to the voters in the district at a special election, or at the annual election for a commissioner, the proposition whether or not land shall be acquired and a police station built thereon; or whether or not land on which a police station, or a building suitable for a police station, has been erected shall be acquired. The approval or disapproval of the voters shall be binding upon the district board. Submission to voters

20074. All real property for a police station acquired pursuant to this article shall be conveyed to and held in the name of the "Board of Police Commissioners of the Police Protection District -----" (naming the district). Title to property

20075. The district board may pay for any real property it acquires for a police station out of money derived from the annual district tax, or out of money derived from a special tax approved by the voters in the district at an election. The procedure and conduct of an election for the approval of a special tax shall conform to that specified in this chapter for the approval of a special tax for the establishment and equipment of a police department. Payment for property

20076. The district board may dispose of any real property acquired for a police station. The disposition shall, however, be first approved by the voters in the district at an election, if the property was acquired pursuant to their approval at an election. The proceeds from the disposition shall be exclusively devoted to the purchase of other real property. Disposal of property

20077. The district board may make and award contracts and may sue and be sued in the name of the district. Contracts

**Records**     20078. The district board shall keep a correct record of all its acts and proceedings, and of all its receipts and disbursements. For that purpose, it shall procure all necessary books and blanks.

The books of the district board shall be open to public inspection at all times.

**Books and documents**     20079. Each commissioner shall, at the expiration of his term of office, turn over to his successor all books and documents in his possession belonging to the district board and take a receipt therefor.

**Payment of bills**     20080. All accounts, bills, and demands against the district shall be audited, allowed, and paid by the district board by warrants of the county auditor drawn on the county treasurer upon orders of the district board. The county treasurer shall honor the warrants in the order in which they are presented.

**Other duties**     20081. In addition to the duties specified in this chapter, the district board shall perform such other duties as are proper and necessary to carry out this part.

#### Article 4. Taxation

**Special tax election**     20101. The district board shall call an election at which it shall submit to the voters in the district the question whether a special tax shall be levied for establishing and equipping a police department for the protection of life and property in the district.

**Notice**     20102. The election shall be called by posting notices in three of the most public places in the district for not less than 10 days; and if there is a newspaper printed and published in the district, by publishing a notice in at least two regular issues of the newspaper.

**Contents**     20103. The notice shall specify the time and place of the election, and the amount required for the establishment and equipment of the police department.

**Ballots**     20104. The ballots used at the election shall contain the words "Tax—Yes," and "Tax—No."

**Conduct of election**     20105. The district board shall appoint three judges and two clerks to conduct the election. The election shall be conducted as far as practicable pursuant to the general election law; but neither a new register nor legal ballot paper is required, and the polls may be opened at 8 o'clock a.m., and closed at 5 o'clock p.m. on the day of the election.

**Vote report**     20106. Within twenty-four hours after the election, the judges of the election shall report and certify to the district board the number of votes cast for and against the tax.



20107. If the majority of the votes cast are in favor of the tax, the district board shall report to the board the amount of money authorized to be raised. Report to board

20108. The district board shall make an annual estimate of the amount of money required during the ensuing fiscal year for the maintenance of any police department established in the district, and for the cost of any other thing necessary for carrying out this part; and shall submit it to the board not later than the first day of July of each year. Annual estimate

20109. At the time of levying the county taxes, the board shall levy a tax upon all the taxable property in the district sufficient to raise any amount reported to it pursuant to this article by the district board. The rate of the tax shall be ascertained by first deducting 15 per cent for anticipated delinquencies from the aggregate assessed value of the property appearing on the county assessment roll, and then dividing the amount reported by the remainder of the aggregate assessed value. The tax shall be computed and entered on the assessment roll by the county auditor and collected at the same time and in the same manner as county taxes. Annual tax

20110. Any amount of money raised for the establishment and equipment of a police station in a district by a special tax levied pursuant to this article shall not exceed in any one year 1 per cent of the assessed value of the taxable property in the district. Limit:  
Special tax

20111. Any amount of money raised for the maintenance of a police department in a district by an annual tax levied pursuant to this article shall not exceed in any one year one-half of 1 per cent of the assessed value of the taxable property in the district. Annual tax

20112. All money collected pursuant to this article shall be paid into the county treasury for the use of the district. The county treasurer shall pay it out on warrants of the county auditor drawn on the county treasurer upon orders of the district board. Disposition of money

20113. The county treasurer shall not receive any compensation for performing duties relating to the receipt and disbursement of money collected pursuant to this article. County treasurer

### Article 5. Dissolution

20130. Any district may be dissolved by the board pursuant to this article. Dissolution

20131. Proceedings for the dissolution of a district are initiated whenever a petition requesting dissolution and signed by fifty or more persons who are both freeholders and residents of the district, or by a majority of persons who are Petition

both freeholders and residents of the district, whichever number is the lesser, is filed with the board.

**Time of hearing** 20132. The board shall fix a time for hearing the petition on a date not less than 10 nor more than 30 days after the receipt of the petition.

**Notice** 20133. The board shall publish a notice of the hearing at least a week prior to the time fixed therefor by one insertion in a newspaper of general circulation published in the district; or in a newspaper published in the county in which the district is located, if there is no newspaper published in the district.

**Hearing** 20134. At the time fixed for the hearing, or at any time to which the hearing may be continued, the board shall hear and pass upon the petition and all objections to it made by persons interested. The board shall either deny the petition, or adopt a resolution calling an election upon the proposition of dissolving the district.

**Election resolution** 20135. A resolution calling a dissolution election shall:

- (a) Specify the date of the election, which shall be held not less than 20 days after the adoption of the resolution.
- (b) Designate one or more election precincts within the district.
- (c) Designate a polling place in each precinct.
- (d) Designate the names of one judge, one inspector, and one clerk for each precinct, to act as election officers.

**Election law** 20136. In any particular not recited in the resolution, the election shall be held pursuant to the law governing the holding of general elections in the county.

**Publication** 20137. The resolution shall be published once a week for two successive weeks prior to the date set for the election in a newspaper of general circulation published in the district; or if there is no newspaper published in the district, in a newspaper published in the county in which the district is located and considered by the board to be the one most likely to give notice of the election to the voters. The resolution shall also be posted in three of the most public places in the district at least 10 days prior to the date set for the election.

**Posting** The only notice of the election required is that specified in this section.

**Ballots** 20138. The ballots used at the election shall state in substance the following proposition:

"Shall the ----- Police Protection District in ----- County be Dissolved?" (stating the name of the district and the name of the county in which it is located).

Opposite the stated proposition shall be printed the words "Yes" and "No," together with voting squares.

20139. Any resident of the district entitled to vote at a Electors general election may vote at the election on the proposition of dissolution.

20140. If a majority of the votes cast at the election are Result in favor of dissolution, the board shall enter a finding to that effect upon its minutes, and thereafter the district is dissolved.

20141. Upon the dissolution of a district any property of the district then lying within any city vests absolutely in that city; and any property then lying outside a city vests absolutely in the county. Vesting of property

20142. The funds of a district on hand at the time of dissolution shall be divided between each city in which the property of the district then lies and the county, in the proportion that the total assessed value of the real property of the district in each city and of the real property outside a city bears to the total assessed value of all the real property in the district. The assessed value of the property shall be determined by a reference to the last equalized assessment roll of the county prior to the dissolution. Division of funds

20143. The property and funds reverting to a county pursuant to this article shall be used for general police protection purposes in the county. Use of property and funds

## CHAPTER 2. IN UNINCORPORATED TERRITORY

### Article 1. Definitions

20300. "District," as used in this chapter, means a police protection district formed pursuant to this chapter or pursuant to any law which it supersedes. "District"

20301. "Board," as used in this chapter, means the board of supervisors of the county in which it is proposed to form a district, or in which a district has been formed. "Board"

### Article 2. Formation

20310. Any unincorporated territory may, pursuant to this article, be formed into a district for equipping and maintaining a police department to protect and safeguard life and property. Area of formation

20311. Proceedings for the formation of a district are initiated whenever 51 per cent or more of the persons who are taxpayers and residents of unincorporated territory present a petition to, and at a regular meeting of, the board of the county in which the territory is situated. Petition

The petition shall contain:

(a) A statement of the name and boundaries of the proposed district.

(b) A request for the formation of the district.



**Time of hearing** 20312. The board shall fix a time for hearing the petition and all protests against it. The hearing shall be not less than 25 nor more than 30 days after the date of the presentation of the petition.

**Notice: Posting** 20313. The clerk of the board shall post notices of the hearing in three public places in the proposed district. The notices shall set forth:

(a) The fact that a petition requesting the formation of a district has been presented.

(b) The proposed name and the boundaries of the district.

**Publication** 20314. A notice, similar to the notices required to be posted, shall be published at least once a week for two consecutive weeks in a newspaper of general circulation published in the county in which the proposed district is situated.

**Protests** 20315. At the hearing any person interested in the proposed district may file a written protest against its formation or extent, or against the inclusion of his property in the district.

**Boundaries** 20316. The board may make such changes in the proposed boundaries of the district as it finds are advisable. However, it shall not:

(a) Extend the proposed boundaries.

(b) Modify the proposed boundaries so as to exclude from the district any territory which will be benefited by the district.

(c) Include any territory which will not be benefited by the district.

**Determination** 20317. If, at the hearing, the board determines that the formation of the proposed district will be for the best interests of the unincorporated territory concerned, it shall form the district by a resolution describing its boundaries and giving it a name.

### Article 3. Administration and Taxation

**Directors** 20330. The members of the board are ex officio directors of the district.

**Powers** 20331. The board may perform all acts necessary to provide adequate police protection in the district.

**Annual tax** 20332. The board may levy a tax on property in the district sufficient to raise a sum not in excess of two thousand four hundred dollars (\$2,400) per annum. The tax shall be levied and collected in the same manner and by the same officers as in the case of county general property taxes.

## PART 2. MISCELLANEOUS

## CHAPTER 1. PROTECTION AT PUBLIC MEETINGS

20500. The mayor or other officer in control of the police force in a city shall direct a sufficient number of policemen to attend and keep order at any public meeting in the city at which, in his opinion, a breach of the peace may occur. Public meetings

## DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS

## CHAPTER 1. HEALTH AND SAFETY OF BATHERS

## Article 1. Life Saving Devices

24000. "Resort," as used in this article, means a resort, bathhouse, or other public place for the purpose of accommodating bathers, bordering upon or adjoining the seacoast or a lake where the public resort for the purpose of bathing in the open sea or lake. "Resort"

24001. No person shall own or conduct a resort unless it is equipped with at least one lifeboat. Lifeboat

24002. The boat shall be fully equipped with oars, oarlocks, and not less than two life preservers, and 200 feet of rope. Equipment

It shall be kept in good repair and near the resort. Repair

24003. The boat shall have the word "lifeboat" plainly printed or painted upon it. It shall be used for no purpose other than for the saving of life or for other cases of emergency. Use, etc.

24004. Every person who violates any provision of this article is guilty of a misdemeanor punishable by a fine of not less than 10 nor more than two hundred dollars (\$200), or by imprisonment for not less than 10 days nor more than six months, or by both. Penalty

## Article 2. Swimming Pool Markers

24050. "Resort," as used in this article, means any public bathing or swimming place or resort on a river or stream. "Resort"

24051. No person shall maintain a resort unless he carefully sounds the depth of water and locates the eddies and pools and determines the presence and nature of dangerous currents, sunken logs, rocks, and obstructions in the stream or river. Soundings, etc.

**Signs**     24052. No person shall maintain a resort unless signs indicating in plain letters the depth of water, the location of pools or eddies, and the presence and direction of currents of water are placed and maintained in the water during the season when bathing and swimming are permitted or invited.

**Safety ropes**     24053. No person shall maintain a resort unless safety ropes are stretched wherever necessary to show the line of eddies, pools, sunken obstructions, and other hidden dangers to bathers in the water.

**Penalty**     24054. Every person who violates any provision of this article is guilty of a misdemeanor.

### Article 3. Swimming Pool Sanitation

**"Public swimming pool"**     24100. "Public swimming pool," as used in this article, means any public swimming pool, bathhouse, public swimming and bathing place and all related appurtenances.

**Supervision**     24101. The State Department of Public Health has supervision of sanitation, healthfulness, and safety of public swimming pools.

**Rules and regulations**     24102. The State department shall make and enforce such rules and regulations pertaining to public swimming pools as it deems proper.

**Enforcement**     24103. Every health officer shall enforce the rules and regulations in his jurisdiction.

**Investigations**     24104. For the purposes of this article, any health officer, or any inspector of the State department, may at all reasonable times enter all parts of the premises of a public swimming pool to make examination and investigation to determine the sanitary condition and whether this article or the rules and regulations are being violated.

**Reports**     24105. The State department may publish the reports of inspections.

**Public nuisance**     24106. Any public swimming pool constructed, operated, or maintained contrary to the provisions of this article is a public nuisance, dangerous to health.

**Abatement**     24107. Any nuisance maintained in violation of this article may be abated or enjoined in an action brought by a local board of health, or the State department, or it may be summarily abated in the manner provided by law for the summary abatement of other public nuisances dangerous to health.



24108. Every person who violates any provision of this <sup>Penalty</sup> article is guilty of a misdemeanor, punishable by a fine of not less than 25 nor more than five hundred dollars (\$500), or by imprisonment for not more than six months, or both.

24109. Each day that a violation of this article continues <sup>Separate offense</sup> is a separate offense.

#### Article 4. Power Boat Speed

24150. Every owner, operator, or person in command of <sup>Limitations</sup> any power boat, is guilty of a misdemeanor who operates it or permits it to be operated at a speed in excess of five nautical miles per hour in any of the following areas:

(a) Within 100 feet of any person who is engaged in the act of bathing.

(b) Within 200 feet of any:

(1) Beach frequented by bathers.

(2) Swimming float, diving platform, or life line.

(3) Way or landing float to which boats are made fast or which is used for the embarkation or discharge of passengers.

24151. Counties or cities may make further restrictions <sup>Local restrictions</sup> concerning the navigation and operation of power boats, and may grant permits to bona fide yacht clubs or civic organizations to conduct motor boat races over courses established, marked, and patrolled by authority of the United States coast guard, city harbor master, or other officer having authority over the waters on which a race is proposed to be conducted and on such days and between such hours as may be approved by the officer.

#### CHAPTER 2. TANKS AND BOILERS

##### Article 1. Scope of Chapter and General Provisions

24200. "Commission," as used in this chapter, means the <sup>"Commission"</sup> Industrial Accident Commission.

24201. "Boiler," as used in this chapter, means any steam <sup>"Boiler"</sup> boiler subject to this chapter.

24202. "Tank," as used in this chapter, means any air <sup>"Tank"</sup> pressure tank subject to this chapter.

24203. This chapter applies to all steam boilers and air <sup>Scope of chapter</sup> pressure tanks which are not specifically exempted in this article.

24204. The following air pressure tanks are not subject to <sup>Exemptions:</sup> this chapter:

(a) Air pressure tanks under the jurisdiction or inspection <sup>Air pressure tanks</sup> of the United States government.

(b) Air pressure tanks used in household domestic service.

(c) Air pressure tanks of 1½ cubic feet or less in capacity and installed as part of a motor vehicle or its trucking or

accessory equipment and not subject to a maximum pressure of more than 150 pounds per square inch.

(d) Air pressure tanks installed on units of transportation, including trucks, buses and streetcars, which units of transportation are operated by any person, firm or corporation subject to the jurisdiction of the Interstate Commerce Commission or the California Railroad Commission.

(Amended by Stats. 1941, Ch. 503.)

**Exemptions:** 24205. The following steam boilers are not subject to this chapter:

**Steam boilers** (a) Boilers under the jurisdiction or inspection of the United States Government, and all other boilers operated by employers not subject to Division 4 of the Labor Code.

(b) Boilers on which the pressure does not exceed 15 pounds per square inch.

(c) Automobile boilers and boilers on road motor vehicles.

**Safety orders** 24206. This chapter does not limit the authority of the commission to prescribe or enforce general or special safety orders.

## Article 2. Administration

**Inspectors** 24210. Inspections required by this chapter may be made by inspectors employed by the commission or by a certified inspector.

A certified inspector is one who has an unrevoked certificate of competency issued pursuant to this chapter, and who is employed by any of the following:

(a) A county.

(b) A city.

(c) An insurer.

(d) A person, for the purpose of testing only tanks or boilers owned by him.

**Certificate of competency** 24211. A certificate of competency may be obtained by application made to the commission.

**Examination** 24212. The commission may determine by examination the competency of an applicant for a certificate of competency.

**Revocation** 24213. Upon good cause being shown therefor, the commission may revoke a certificate of competency.

**Report** 24214. Within 21 days after each inspection made by him, every certified inspector shall forward a report of his inspection to the commission on the forms provided by it. His certificate of competency may be revoked by the commission for failure to comply with this section.

## Article 3. Operation of Tanks and Boilers

**Prohibition** 24220. No tank or boiler shall be operated unless a permit for its operation has been issued by the commission.

24221. The commission shall inspect or cause to be inspected each tank at least every two years. Inspection of tanks

24222. The commission shall inspect or cause to be inspected each boiler, internally and externally, at least every year. Inspection of boilers

24223. If a tank or boiler is found to be in a safe condition for operation, a permit shall be issued by the commission for its operation. Permit

In the case of a tank, the permit shall continue in effect for not longer than two years.

In the case of a boiler, the permit shall continue in effect for not longer than one year.

24224. Each permit shall be posted under glass in a conspicuous place on or near the tank or boiler covered by it. Posting

24225. The commission may issue and renew temporary permits for not to exceed 30 days each, pending the making of replacements or repairs. Temporary permits

24226. Upon good cause being shown therefor, and after notice and an opportunity to be heard, the commission may revoke any permit. Revocation

24227. If the inspection shows a tank or boiler to be in an unsafe or dangerous condition, the commission, or a commissioner, may issue a preliminary order requiring such repairs or alterations to be made to it as are necessary to render it safe, and may order its use discontinued until the repairs or alterations are made or the dangerous or unsafe condition is remedied. Repairs or alterations: Preliminary order

24228. Unless the preliminary order is complied with, a hearing before the commission, a commissioner, or a referee of the commission, shall be allowed, upon request, at which the owner, operator, or other person in charge of the tank or boiler may appear and show cause why he should not comply with the order. Hearing

24229. If it thereafter appears to the commission that the tank or boiler is unsafe and that the requirements contained in the preliminary order should be complied with, or that other things should be done to make the tank or boiler safe, the commission may order or confirm the withholding of the permit and may make such requirements as it deems proper for the repair or alteration of the tank or boiler, or the correction of the dangerous and unsafe conditions. Final order

24230. The order may be reheard by the commission, or reviewed by the courts, in the manner specified by the Labor Code for safety orders, and not otherwise. Rehearing



**Injunction** 24231. If the operation of a tank or boiler without a permit constitutes a serious menace to the life or safety of any person employed about it, the commission, a commissioner, or any of its safety inspectors, or any person affected thereby, may apply to the superior court of the county in which the tank or boiler is situated for an injunction restraining its operation until the condition has been corrected or a permit secured.

**Temporary restraining order: Proof** 24232. The certificate of the commission that no permit exists for the operation of a tank or boiler, and the affidavit of any safety inspector of the commission that its operation constitutes a menace to the life or safety of any person employed about it, is sufficient proof to warrant the immediate granting of a temporary restraining order.

#### Article 4. Inspection Fees

**When prohibited** 24240. No fee shall be charged by the commission where an inspection is made by a certified inspector.

**Tank inspection** 24241. The commission shall fix and collect fees for the inspection of tanks, not exceeding three dollars (\$3) for each inspection.

**Boiler inspection** 24242. The commission shall collect fees for the inspection of boilers as follows:

(a) For boilers 20 inches or less in diameter, or less than three horsepower:

(1) External inspection, two dollars (\$2).

(2) Internal inspection, three dollars (\$3).

(b) For fire tube boilers over 20 inches in diameter:

(1) External inspection, three dollars (\$3).

(2) Internal inspection, seven dollars and fifty cents (\$7.50).

(c) For water tube boilers:

(1) External inspection, five dollars (\$5).

(2) Internal inspection, fifteen dollars (\$15).

**Payment** 24243. All inspection fees shall be paid before the issuance of a permit.

**Disposition** 24244. The inspection fees collected by the commission under this article shall be paid into the General Fund.

#### Article 5. Offenses

**Operation without permit** 24250. Except during the time that a request for a permit remains unacted upon, every person owning or having the custody, management, or operation of a tank or boiler who operates it without a permit issued pursuant to this chapter is guilty of a misdemeanor.

**Separate offense** The operation of a tank or boiler without a permit constitutes a separate offense for each day that it is so operated.

## Article 6. Mismanagement of Steam Boilers

24300. Every engineer or other person having charge of any steam-boiler, steam-engine, or other apparatus for generating or employing steam, used in any manufactory, railway, or other mechanical works, who wilfully, or from ignorance or from gross neglect, creates, or allows to be created, such an undue quantity of steam as to burst or break the boiler, engine or apparatus, or to cause any other accident whereby human life is endangered, is guilty of a felony. Endangering life

24301. Every person having charge of any steam-boiler, steam-engine, or other apparatus for generating or employing steam, used in any manufactory, railroad, vessel, or other mechanical works, who wilfully, or from ignorance or neglect, creates, or allows to be created, such an undue quantity of steam as to burst or break the boiler, engine, or apparatus, or to cause any other accident whereby the death of a human being is caused, is punishable by imprisonment in the State prison for not less than one nor more than 10 years. Causing death

## CHAPTER 3. CONVALESCENT COLONY

(Chapter 3 added by Stats. 1939, Ch. 106, as part of codification.)

24380. There is in the State Government a board known as the "Convalescent Colony Board," which is composed of the Director of Institutions, the Director of Public Health, the Director of Education, the Chief of the Bureau of Tuberculosis, and the Chief of the Bureau of Vocational Rehabilitation of the State Department of Education. Convalescent colony board

24381. The Department of Finance may accept in the name of the people of the State gifts of land suitable for a convalescent colony or receive contributions from any source for the purchase, or the care and maintenance of, land; however, before the gifts of land or contributions can be accepted by the Department of Finance the acceptance shall be recommended by resolution, duly adopted, of the Convalescent Colony Board. Gifts and contributions

24382. The gifts of land or contributions may be accepted by the Department of Finance at its discretion subject to such conditions or restriction as the Convalescent Colony Board with the approval of the Director of Finance may deem advisable, the conditions or restrictions to be clearly set forth in a resolution recommending the acceptance of the gifts of land or contributions and in the instruments of conveyance. Acceptance of gifts

24383. Before accepting the conveyance of the land the Department of Finance shall have the title examined and shall not accept title from the grantor or donor unless a good and Examination of title

merchantable title free and clear of all taxes, liens, or other financial encumbrances is shown to be vested in the grantor or donor. The title shall be passed upon and approved by the Attorney General.

Use of  
colony

24384. The convalescent colony shall be for the use of persons convalescing from tuberculosis who may have been patients in public or private sanatoria, children convalescing from hospital care under the provisions of Division 1, Part 1, Chapter 2, Article 2, and persons recovering from heart disease or injuries received in industry who need rehabilitation.

The colony shall not be for the use of persons recovering from habit forming drugs, inebriacy, or mental illnesses.

Lease of  
lands

24385. The lands may be leased by the board with the approval of the Director of Finance and any money received from the use of the lands, from the sale of products therefrom, or any contributions shall be paid into the State Treasury to the credit of the Convalescent Colony Fund, which fund is continued in existence and is appropriated for the support of the convalescent colony, for expenditure as the board, with the approval of the Department of Finance, may determine.

#### CHAPTER 4. ABANDONED EXCAVATIONS

Covering or  
fencing:  
Private land

24400. Every person owning or having charge of land on which is located any abandoned mining shaft, pit, or other abandoned excavation dangerous to passers-by or live stock who fails to cover or fence it securely, and keep it so protected, is guilty of a misdemeanor.

Public land

24401. The board of supervisors may order securely covered or fenced abandoned mining excavations on unoccupied public lands in the county.

Unoccupied  
land

24402. The board of supervisors shall order securely fenced or covered any abandoned mining shaft, pit, or other excavation on unoccupied land in the county whenever it appears to them, by proof submitted, that the excavation is dangerous or unsafe to man or beast. The cost of covering or fencing is a county charge.

Malicious  
removal

24403. Every person who maliciously removes or destroys any covering or fencing placed around any shaft, pit, or other excavation, as provided in this article, is guilty of a misdemeanor.

#### CHAPTER 5. MISCELLANEOUS PENAL PROVISIONS

Penalty

24800. Every person charged with the performance of any duty under the laws of this State relating to the preservation of the public health, who wilfully neglects or refuses to perform the same, is guilty of a misdemeanor.



## DIVISION 21. DRUGS, FOODS AND COSMETICS

(Division 21 added by Stats. 1939, Ch. 730.)

## CHAPTER 2. DRUGS

(Chapter 2 added by Stats. 1939, Ch. 730.)

## Article 1. General Provisions

(Article 1 added by Stats. 1941, Ch. 730.)

26200. "Drug" means (1) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3).

(Added by Stats. 1939, Ch. 730.)

26200.5. Any concentrated substance represented for use by man because of its vitamin content when medicinal claims are made on the label, shall, on its label and in its printed or written advertising, bear the common or usual name of each vitamin on which such use is based. If such use is based on the content of Vitamin A, Vitamin B1 or thiamin, Vitamin C or ascorbic acid, Vitamin D, riboflavin or niacin, the label or printed or written advertising shall bear or contain a statement of the proportion of such vitamin expressed as international units, pharmacopoeia, or other accepted standard units.

(Added by Stats. 1941, Ch. 1210; amended by Stats. 1943, Ch. 779.)

26201. "Drug" does not include devices or their components, parts, or accessories.

(Added by Stats. 1939, Ch. 730.)

26202. "Device" means instruments, apparatus and contrivances, including their components, parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

(Added by Stats. 1939, Ch. 730.)

26203. "Official compendium" means the Official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.

(Added by Stats. 1939, Ch. 730.)

"Label" 26204. "Label" means a display of written, printed or graphic matter upon the immediate container of any article.  
(Added by Stats. 1939, Ch. 730.)

Labeling requirements 26205. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.  
(Added by Stats. 1939, Ch. 730.)

"Immediate container" 26206. "Immediate container" does not include package liners.  
(Added by Stats. 1939, Ch. 730.)

"Labeling" 26207. "Labeling" means all labels and other written, printed or graphic matter (1) upon an article or any of its containers or wrappers, or (2) accompanying such article.  
(Added by Stats. 1939, Ch. 730.)

Determination of misleading labeling, etc. 26208. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, emblem, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.  
(Added by Stats. 1939, Ch. 730.)

"Advertisement" 26209. The term "advertisement" means all representations including, but not limited to, statements upon containers, packages, cartons, and any other container, disseminated in any manner or by any means, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210, and by Stats. 1943, Ch. 779.)

Representation as antiseptic 26210. The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for

inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.  
(Added by Stats. 1939, Ch. 730.)

26211. "New drug" means (1) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or (2) any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"New drug"

(Added by Stats. 1939, Ch. 730.)

26212. The term "contaminated with filth" applies to any drug or device not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

"Contaminated with filth"

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26213. The provisions of this chapter regarding the selling of drugs and devices, shall be considered to include the manufacture, production, processing, packing, exhibition, offering, possessing, and holding of any such article for sale; the sale, dispensing, and giving of any such article; and the supplying or applying of any such articles in the conduct of any establishment.

Construction

(Added by Stats. 1939, Ch. 730.)

26214. "Package" includes any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing or containing any drug.

"Package"

(Added by Stats. 1939, Ch. 730.)

26215. "Federal act" means the Federal Food, Drug and Cosmetic Act.

"Federal act"  
U.S.C., Title  
21, Ch. 9

(Added by Stats. 1939, Ch. 730.)

26216. The sections contained in Chapter 2 of Division 21 of the Health and Safety Code may be known as the California Pure Drugs Act.

Title

(Added by Stats. 1943, Ch. 779.)

## Article 2. Adulteration

(Article 2 added by Stats. 1939, Ch. 730.)

26230. A drug shall be deemed to be adulterated if, when a drug is sold under or by a name recognized in an official

Variance  
from  
standards



compendium, it differs from the standard of strength, quality or purity as determined by the test laid down in the official compendium at the time of investigation.

(Added by Stats. 1939, Ch. 730.)

Where  
difference  
plainly  
stated  
on label

26231. No drug defined in an official compendium shall be deemed to be adulterated under Section 26230 because it differs from the standard of strength, quality or purity therefor set forth in such compendium, if its difference in strength, quality or purity from such standard is plainly stated on its label.

(Added by Stats. 1939, Ch. 730.)

Require-  
ments appli-  
cable

26232. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.

(Added by Stats. 1939, Ch. 730.)

When  
deemed  
adulterated

26233. A drug shall be deemed to be adulterated if its strength or purity falls below the professed standard or quality under which it is sold.

(Added by Stats. 1939, Ch. 730.)

Components,  
production,  
etc.

26234. A drug or device shall be deemed to be adulterated (1) if it consists in whole or in part of any filthy, putrid or decomposed substance; or (2) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health.

(Added by Stats. 1939, Ch. 730.)

Components,  
coloring,  
etc.

26235. A drug shall be deemed to be adulterated (1) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; (2) if it bears or contains, for purposes of coloring only a coal-tar color other than one from a batch certified by the United States Department of Agriculture; (3) if it is not subject to the provisions of Section 26230 and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess; or (4) if any substance has been (a) mixed or packed therewith so as to reduce its quality or strength; or (b) substituted wholly or in part therefor.

(Added by Stats. 1939, Ch. 730.)

## Article 3. Misbranding

(Article 3 added by Stats. 1939, Ch. 730.)

26240. The term "misbranded" shall apply to all drugs or devices, the package or label of which bears any statement, design, or emblem regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any drug or device which is falsely branded or labeled as to the county, city and county, city, town, State, Territory, District of Columbia, or foreign country in which it is manufactured or produced.

(Added by Stats. 1939, Ch. 730.)

26241. A drug or device shall be deemed to be misbranded if in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.

Under clause (2) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board.

(Added by Stats. 1939, Ch. 730.)

26242. A drug or device shall be deemed to be misbranded if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or emblems, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(Added by Stats. 1939, Ch. 730.)

26243. A drug shall be deemed to be misbranded if it is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, antipyrine, atropine, hyoscine, hyoscyamine, codeine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, barbituric acid, or any derivative or preparation of any such substances, contained therein.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210.)

26244. A drug or device shall be deemed to be misbranded unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological

conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users.

If any requirement of clause (1) of this section as applied to any drug or device is not necessary for the protection of the public health, the board shall promulgate regulations exempting such drug or device from such requirements.

(Added by Stats. 1939, Ch. 730.)

Packaging  
and labeling

26245. A drug shall be deemed to be misbranded if it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein. The method of packing may be modified with the consent of the board.

(Added by Stats. 1939, Ch. 730.)

Same

26246. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia.

(Added by Stats. 1939, Ch. 730.)

Drug subject  
to deterioration

26247. A drug shall be deemed to be misbranded if it has been found by the board to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the board shall by regulations require as necessary for the protection of public health.

No such regulation shall be established for any drug recognized in an official compendium until the board has informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body has failed within a reasonable time to prescribe such requirements.

(Added by Stats. 1939, Ch. 730.)

Containers

26249. A drug shall be deemed to be misbranded (1) if its container is so made, formed, or filled as to be misleading;

Imitation

(2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

(Added by Stats. 1939, Ch. 730.)

Prescriptions  
in labeling

26250. A drug or device shall be deemed to be misbranded if it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended or suggested in the labeling thereof.

(Added by Stats. 1939, Ch. 730.)



26251. A drug shall be deemed to be misbranded if it is a drug sold at retail and contains any quantity of amidopyrine, cinchophen, sulfanilamide, thyroid, or any of its preparations, compounds or derivatives, unless it is sold on an order, or prescription signed by a member of the medical, dental or veterinary profession who is licensed by law to administer such drug, and its label bears the name and place of business of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental or veterinary profession. Prescriptions containing amidopyrine, cinchophen or sulfanilamide, their compounds, preparations or derivatives issued under this section can not be refilled without the order of the physician, dentist or veterinarian who prescribes the same. Bandages of all types, and preparations and ointments for external use only, containing 5 per cent or less sulfanilamide, or any of its preparations, compounds or derivatives, are exempt from the provisions of this section.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210, and by Stats. 1943, Ch. 779.)

26252. A drug sold on a written prescription signed by a member of the medical, dental or veterinary profession (except a drug sold in the course of the conduct of a business selling drugs pursuant to diagnosis by mail) shall be exempt from the requirements of this article if:

(1) Such member of the medical, dental or veterinary profession is licensed by law to administer such drug; and

(2) Such drug bears a label containing the name and place of business of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental or veterinary profession.

(Added by Stats. 1939, Ch. 730.)

26253. A drug shall be deemed misbranded:

(1) If it be an imitation of or offered for sale under the name of another article;

(2) If the contents of the package as originally put up have been removed, in whole or in part, and other contents have been placed in such package.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26254. A drug shall be deemed to be misbranded if the package as offered for sale at retail or wholesale fails to bear a statement on the label of

(1) The quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, barbituric acid, bromal, carbromal, coca, marihuana, paraldehyde, peyote, or sulphonmethane, and

(2) The quantity of any chemical derivative of such substances or any derivative or preparation of any such substances, contained therein, which derivative has been by the board after investigation, found to be, and by regulations under this act, designated as, habit-forming, unless its label bears the name

and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—may be habit-forming."

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

#### Article 4. Advertising

False advertisement

26270. An advertisement of a drug or device shall be deemed to be false if it is false or misleading in any material particular.

(Added by Stats. 1939, Ch. 730.)

Represented as having effect in certain diseases

26271. The advertisement of a drug or device shall be false within the meaning of this division if the drug or device is represented to have any effect in albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, cataracts, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, dental caries, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, alcoholism, erosion, periodontal diseases, epilepsy, goiter, scarlet fever, sexual impotence, sinus infection, smallpox, encephalitis, tumors, typhoid, uremia, venereal disease, whooping cough, tuberculosis, ulcers of the stomach, and varicose ulcers.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210, and by Stats. 1943, Ch. 779.)

Prescriptions for venereal disease drugs, etc.

26271(a). No person shall compound for, give or sell to any person any drugs, medicines, or other substances advertised, called for, labeled, or to be used for the cure or treatment of gonorrhea, syphilis, chaneroid, lymphogranuloma inguinale or granuloma inguinale except upon written order of a duly licensed physician. Such order shall not be transferable to any person except the patient whose name appears thereon, and shall be kept on file by the person, or firm, providing the drug, medicine, or substance, for two years during which time it shall be open to inspection by any authorized agent of the State Department of Public Health. Prescriptions containing sulfanilamide, its compounds or derivatives, issued under this section, can not be refilled without the order of the physician who prescribed same.

(Added by Stats. 1943, Ch. 779.)

Exceptions

26272. An advertisement not in violation of Section 26270 shall not be deemed to be false under Section 26271 if it is disseminated only to members of the medical, dental, pharmaceutical, or veterinary professions, or appears only in the scientific periodicals of these professions, or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices.

(Added by Stats. 1939, Ch. 730.)

26273. Whenever the board determines that an advance Safe self-medication in medical science has made any type of self-medication safe as to any of the diseases named in this article, the board shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the board may deem necessary in the interests of public health.

(Added by Stats. 1939, Ch. 730.)

26274. This article shall not be construed as indicating Construction of article that self-medication for diseases other than those named is safe or efficacious.

(Added by Stats. 1939, Ch. 730.)

26275. No publisher, radio-broadcast licensee, or agency Liability under article or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the drug or device to which a false advertisement relates, shall be liable under this article by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the board to furnish the board the name and post-office address of the manufacturer, packer, distributor, seller or advertising agency, residing in the State of California who causes him to disseminate such advertisement.

(Added by Stats. 1939, Ch. 730.)

## Article 5. Prohibitions

(Article 5 added by Stats. 1939, Ch. 730.)

26280. The manufacture, production, preparation, com- Manufac-  
ture, etc. pounding, packing, selling, offering for sale, advertising or keeping for sale within the State of California, or the introduction into this State from any other State, Territory, or the District of Columbia, or from any foreign country, of any drug or device which is adulterated or misbranded is prohibited.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26281. Any person who imports or receives from any other Importa-  
tion, etc. State or Territory or the District of Columbia or from any foreign country, or who having so received delivers for pay or otherwise or offers to deliver to any other person, any drug or device which is adulterated or misbranded, or any person who manufactures, produces, prepares, compounds, packs, sells, offers for sale, or keeps for sale, in the State of California any such adulterated or misbranded drug or device shall be guilty of a misdemeanor punishable as provided in Section 26295.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26282. No article shall be deemed misbranded or adulterated Exports within the provisions of this chapter when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when



no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which the article is intended to be shipped.

If the article is in fact sold or offered for sale for domestic use or consumption, then this section shall not exempt the article from the operation of any of the other provisions of this chapter.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

Alteration  
of labels

26283. The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a drug or device is unlawful if such act results in such article being misbranded.

(Added by Stats. 1939, Ch. 730.)

Forging of  
labels

26284. Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification emblem authorized or required by regulations promulgated under the provisions of this chapter is prohibited.

(Added by Stats. 1939, Ch. 730.)

Adulteration  
and mis-  
branding

26285. The adulteration or misbranding of any drug or device is prohibited.

(Added by Stats. 1939, Ch. 730.)

False adver-  
tisements

26286. The dissemination of any false advertisement of a drug or device is prohibited.

(Added by Stats. 1939, Ch. 730.)

Represen-  
tation as  
new drug

26287. The using on the labeling of any drug or in any advertisement relating to such drug of any representation or suggestion that an application with respect to such drug is effective under Section 26288 or that such drug complies with the provisions of that section is prohibited.

(Added by Stats. 1939, Ch. 730.)

New drugs

26288. No person shall sell, deliver, offer for sale, hold for sale, or give away any new drug unless (1) an application with respect thereto has become effective under Section 505 of the Federal act, or (2) if the drug is not subject to the Federal act unless such drug has been tested and has not been found to be unsafe for use under the conditions prescribed, recommended or suggested in the labeling thereof, and prior to selling or offering for sale such drug there has been filed with the board an application setting forth

Applications

(a) Full reports of investigations which have been made to show whether or not such drug is safe for use;

(b) A full list of the articles used as components of such drug;

(c) A full statement of the composition of such drug;

(d) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug;

(e) Such samples of such drug and of the articles used as components thereof as the board may require; and

(f) Specimens of the labeling proposed to be used for such drug.

(Added by Stats. 1939, Ch. 730.)

26289. An application provided for in Subdivision (2) of Section 26288 shall become effective on the sixtieth day after the filing thereof. When effective

(Added by Stats. 1939, Ch. 730.)

26290. If the board finds after due notice to the applicant and giving him an opportunity for a hearing, that the drug is not safe for use under the conditions prescribed, recommended or suggested in the proposed labeling thereof, the board shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective. Finding and order

(Added by Stats. 1939, Ch. 730.)

26291. An order refusing to permit an application under this section to become effective may be revoked by the board. Revocation of refusal

(Added by Stats. 1939, Ch. 730.)

26292. Section 26288 shall not apply—

Exceptions

(1) To a drug intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety in drugs, if the drug is plainly labeled "For investigational use only"; or

(2) To a drug sold in this State at any time prior to the effective date of this chapter or introduced into interstate commerce at any time prior to the enactment of the Federal act; or

(3) To any drug which is licensed under the Federal Virus, Serum, and Toxin Act of July 1, 1902. U.S.C., Title 42, Ch. 4

(Added by Stats. 1939, Ch. 730.)

26293. The possession, sale, or offering for sale of any adulterated, mislabeled or misbranded drugs or devices by any manufacturer, producer, jobber, packer or dealer in drugs or devices, or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer, or dealer shall be prima facie evidence of the violation of this chapter. Evidence

(Added by Stats. 1939, Ch. 730.)

26295. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Penalties

If the violation is committed after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine.

(Added by Stats. 1939, Ch. 730.)

**Guaranty** 26296. No dealer shall be prosecuted under the provisions of this chapter if after receipt of an article he has used reasonable care in the use and handling thereof and he can produce a guaranty signed by the wholesaler, jobber, manufacturer, or other party located or residing in the United States from whom he purchased such article, to the effect that the same is not adulterated, or misbranded within the meaning of this chapter; provided, however, that as to drug contained in an original unbroken package, no retailer, who after the receipt of such package has used reasonable care in the use and handling thereof, shall be prosecuted under this chapter for a violation of any provision thereof in connection with any article received by such retailer in the regular channels of trade and as usual first-class merchantable stock and not as seconds, or damaged articles or merchandise or job lots purchased under such conditions as to put the purchaser on notice that such merchandise was not regular first-class merchandise. The guaranty must be dated prior to the date of sale of the article.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

**Same** 26297. Such guaranty may be either general or special and must be produced prior to the time of certification of facts to the district attorney for prosecution.

(Added by Stats. 1939, Ch. 730.)

**General guaranty** 26298. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated, mislabeled or misbranded within the meaning of this chapter.

(Added by Stats. 1939, Ch. 730.)

**Special guaranty** 26299. A special guaranty shall guarantee in the same manner as a general guaranty the particular articles listed in an invoice of the articles, and shall be attached to or shall fully identify such invoice.

(Added by Stats. 1939, Ch. 730.)

**Seller's name, etc.** 26300. To afford protection all guaranties must contain the name and address of the party or parties making the sales of such articles to the person.

(Added by Stats. 1939, Ch. 730.)

**Article covered** 26301. A guaranty shall protect a person only where the article covered by such guaranty remains identical, both as to composition and labeling, with the article as composed and labeled when received by the person from the guarantor.

(Added by Stats. 1939, Ch. 730.)

**Guaranty under Federal act** 26302. If the guaranty is to the effect that such article is not adulterated or misbranded within the meaning of the Federal act, it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere, unless at any time the standard for the



article concerned under this chapter is higher than the standard for a like article under the Federal act.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26303. In case the wholesaler, jobber, manufacturer or other party making such guaranty to the person resides without this State and it appears from the certificate of the Chief of the Bureau of Laboratories that such article or articles were adulterated or misbranded, within the meaning of this chapter or the Federal act, the district attorney must forthwith notify the Attorney General of the United States of such violation.

Nonresident  
guarantor

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

## Article 6. Administration

(Article 6 added by Stats. 1939, Ch. 730.)

26320. The standards of purity of drugs shall be the United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, and the National Formulary.

Standards  
of purity

(Added by Stats. 1939, Ch. 730.)

26321. The authority to promulgate regulations for the efficient enforcement of this chapter is vested in the board. The board is authorized to make the regulations promulgated under this chapter conform, in so far as practicable, to those promulgated under the Federal act. The violation of a regulation promulgated under this chapter shall be deemed to be a violation of this chapter.

Regulations

(Added by Stats. 1939, Ch. 730.)

26322. Hearings authorized or required by this chapter shall be conducted by the board or such officer, agent, or employee as the board may designate for the purpose.

Hearings

(Added by Stats. 1939, Ch. 730.)

26323. Before promulgating any regulation, the board shall give appropriate notice of the proposal and of the time and place for a hearing. The regulation so promulgated shall become effective on a date fixed by the board. The effective date shall not be prior to 90 days after the promulgation of the regulation. Such regulation may be amended or repealed in the same manner as is provided for its adoption.

Notice

Effective  
date of  
regulations

In the case of a regulation amending or repealing any regulation the board, to such an extent as it deems necessary in order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing, or effective date.

(Added by Stats. 1939, Ch. 730.)

26324. The board shall require examinations to be made of samples secured under the provisions of this chapter to determine whether or not any provision of this chapter is being violated.

Exami-  
nations

(Added by Stats. 1939, Ch. 730.)

- Agents of board 26325. The board may appoint such agents as it may deem necessary.  
(Added by Stats. 1939, Ch. 730.)
- Sheriffs 26326. The sheriffs of the respective counties of the State are hereby appointed agents for the enforcement of this chapter.  
(Added by Stats. 1939, Ch. 730.)
- Inspection 26327. Any agent shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated or misbranded drugs and devices exist.  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)
- Samples 26328. If a sale is refused upon a tender of the market price of the articles, the agent may take from any person samples of any articles suspected of being adulterated or misbranded, and shall deliver or forward such samples to the State laboratory for examination and analysis.  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)
- Powers of agents, etc. 26329. The Chief of the Bureau of Food and Drug Inspections and the agents and inspectors of the board shall have the powers possessed by peace officers in this State.  
(Added by Stats. 1939, Ch. 730.)
- Inspection 26330. The board or its duly authorized agent shall have free access at all reasonable hours to any factory, warehouse, or establishment in which drugs or devices are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold such drugs and devices, in commerce, for the purpose:  
(1) of inspecting such factory, warehouse, establishment, or vehicle to determine if any of the provisions of this chapter are being violated; and  
(2) to secure samples or specimens of any drugs and devices after paying or offering to pay for such sample.  
(Added by Stats. 1939, Ch. 730.)
- Report of violation 26331. Whenever it has satisfactory evidence of the violation of any of the provisions of this chapter respecting the adulteration or misbranding of drugs and devices and after the hearing provided in section 26340, the board shall report such facts to the district attorney of the county where the law is violated.  
(Added by Stats. 1939, Ch. 730.)
- Written notice or warning 26332. Nothing in this chapter shall be construed as requiring the board to report for the institution of proceedings under this chapter, minor violations of this chapter, whenever the board believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.  
(Added by Stats. 1939, Ch. 730.)

26333. The board may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this chapter, including the nature of the charge and the disposition thereof. Reports of court action

(Added by Stats. 1939, Ch. 730.)

26334. The board may cause to be disseminated such information regarding drugs and devices as the board deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the board from collecting, reporting, and illustrating the results of the investigations of the board. Information

(Added by Stats. 1939, Ch. 730.)

26335. Any person who refuses to sell to any agent of the board any sample of drug or device upon tender of the market price therefor, or who conceals any such drug or device from such officer, or who withholds from the officer information respecting the place where such drug or device is kept or stored is guilty of a misdemeanor punishable as provided in section 26295. Penalty

(Added by Stats. 1939, Ch. 730.)

26336. The board or its secretary shall require the Chief of the Division of Laboratories to make examinations and analyses of drugs or devices which are on sale in California and which are suspected of being adulterated or misbranded. Analyses

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26337. Whenever evidence indicates or examination or analysis show that adulterated or misbranded drugs and devices have been on sale in this State, the Chief of the Division of Laboratories of the State department shall forthwith report to the secretary of the board and shall promptly transmit a certificate of the facts so found. Report on adulteration, etc.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26338. Whenever evidence indicates that adulterated or misbranded drugs or devices have been on sale in this State, the Chief of the Bureau of Food and Drug Inspections shall forthwith report to the secretary of the board and shall promptly transmit a certificate of the facts so found. Same

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26339. Every certificate certified to by the Chief of the Division of Laboratories or by the Chief of the Bureau of Food and Drug Inspections shall be prima facie evidence of the facts therein stated. Evidence

(Added by Stats. 1939, Ch. 730.)



Notice of violation 26340. When the certificate certified to by the Chief of the Division of Laboratories of the State department or when the certificate certified to by the Chief of the Bureau of Food and Drug Inspections shows that any provisions of this chapter have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty, as provided in this chapter. The secretary of the board shall fix a time at which the parties may be heard.  
(Added by Stats. 1939, Ch. 730.)

Hearings 26341. The hearings shall be held at such place as the board or the person conducting the hearing may designate. The hearings shall be private and confined to the consideration of fact. Parties interested may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the State laboratory.  
(Added by Stats. 1939, Ch. 730.)

District attorney 26342. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, the secretary of the board shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which the adulterated or misbranded drugs or devices were found. No publication of the facts found shall be made until the conclusion of the hearing.  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

Reports: Division of Laboratories 26343. On or before August 1st of each year, the Chief of the Division of Laboratories of the State department shall make an annual report to the board upon adulterated or misbranded drugs and devices. The report shall include the list of cases examined by him in which adulterants were found, the list of articles found to be misbranded, and the names of the manufacturers, producers, jobbers and sellers. The Chief of the Bureau of Food and Drug Inspections shall report at the same time on all activities of that bureau.  
Bureau of Food and Drug Inspections  
(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

Reports of board 26344. The board may include the reports, or any parts thereof, in the report which the board makes to the Governor.  
(Added by Stats. 1939, Ch. 730.)

Quarantine 26360. Whenever a duly authorized agent of the board finds, or has probable cause to believe, that any drug or device is adulterated, or so misbranded as to be dangerous or fraudulent, he shall affix to such article a tag or other appropriate marking giving notice that such article is, or is suspected of being, adulterated or misbranded and has been detained or quarantined, and warning all persons not to remove or dispose

of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court.

(Added by Stats. 1939, Ch. 730.)

26361. Whenever the findings of the State laboratory or of <sup>Same</sup> the Chief of the Bureau of Food and Drug Inspections show after investigation and examination that any drug or device found in the possession of any person is adulterated or misbranded the drug or device may be seized and quarantined.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26362. The drug or device shall not thereafter be sold, <sup>Prohibition on disposal</sup> offered for sale, removed or otherwise disposed of until further notice in writing from the board, its secretary, or the Chief of the Bureau of Food and Drug Inspections.

(Added by Stats. 1939, Ch. 730.)

26363. The Chief of the Bureau of Food and Drug Inspections shall report immediately to the secretary of the board all <sup>Reports of seizures</sup> actions relating to the seizure of such drugs and devices and their release.

(Added by Stats. 1939, Ch. 730.)

26364. Drugs or devices found to be adulterated or misbranded may, by order of a court or judge, or in the absence <sup>Destruction of articles</sup> of such an order, with the written consent of the owner thereof, be seized or destroyed.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26365. Any superior or inferior court of this State shall <sup>Jurisdiction of courts</sup> have power to condemn drugs and devices under the provisions of this article.

(Added by Stats. 1939, Ch. 730.)

26366. When an article is found to be adulterated or misbranded, and is detained or quarantined under this article, the board shall petition the court in whose jurisdiction the article <sup>Petition</sup> is detained or quarantined for a libel for condemnation of such article. When such agent has found that an article so detained <sup>Removal of tags</sup> or quarantined is not adulterated or misbranded, he shall remove the tag or other marking.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26367. If the court finds that a detained or quarantined <sup>Destruction</sup> article is adulterated or misbranded, after entry of the decree such article shall be destroyed at the expense of the claimant thereof, under the supervision of an agent of the board. All court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

**Correction of article** 26368. If the adulteration or misbranding can be corrected by proper labeling or processing of the article, after entry of the decree and after costs, fees and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, the court may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the board. The expense of such supervision shall be paid by the claimant.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

**Bonds** 26369. The bond shall be returned to the claimant of the article on representation to the court by the board that the article is no longer in violation of this chapter and that the expenses of such supervision have been paid.

(Added by Stats. 1939, Ch. 730.)

**Sheriff's duties** 26380. On presentation to him of a verified complaint of the violation of any provisions of this chapter, the sheriff of any county of this State shall at once obtain by purchase a sample of the adulterated or misbranded drug or device complained of, and divide the article into three parts. Each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds in weight or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

**Same** 26381. One sample shall be delivered to the party from whom procured or to the party guaranteeing such merchandise, one sample shall be sent to the director of the State laboratory, and the third sample shall be sent to, and held under seal by, the board.

(Added by Stats. 1939, Ch. 730.)

**Fees** 26382. For his services under this chapter the sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as the board of supervisors of the county may deem reasonable, and all amounts expended by him in procuring and transmitting samples.

(Added by Stats. 1939, Ch. 730.)

**Same** 26383. The fees and amount expended shall be audited and allowed by the supervisors and paid by the county as other bills of the sheriff.

(Added by Stats. 1939, Ch. 730.)

**District attorney** 26384. The district attorney of each county shall prosecute all violations of the provisions of this chapter occurring within the county.

(Added by Stats. 1939, Ch. 730.)



26385. One-half of all fines collected by any court or **Fines** judge for the violations of the provisions of this chapter shall be paid into the State Treasury to the credit of the General Fund.

(Added by Stats. 1939, Ch. 730.)

### CHAPTER 3. FOODS

(Chapter 3 added by Stats. 1939, Ch. 731.)

#### Article 1. General Provisions

(Article 1 added by Stats. 1939, Ch. 731.)

26450. "Food" includes all articles used for food, drink, "Food" liquor, confectionery, condiment, or chewing gum by man or other animals, whether such articles are simple, mixed or compound.

(Added by Stats. 1939, Ch. 731.)

26451. "Package" includes any phial, bottle, jar, demi- "Package" john, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing or containing any article of food.

(Added by Stats. 1939, Ch. 731.)

26452. The term "label" means a display of written, "Label" printed or graphic matter upon the immediate container of any article.

(Added by Stats. 1939, Ch. 731.)

26453. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper. Labeling requirement

(Added by Stats. 1939, Ch. 731.)

26454. The term "immediate container" does not include "Immediate container" package liners.

(Added by Stats. 1939, Ch. 731.)

26455. The term "labeling" means all labels and other "Labeling" written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

(Added by Stats. 1939, Ch. 731.)

26456. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether Determination of misleading labeling, etc.

the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, emblem, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

(Added by Stats. 1939, Ch. 731.)

"Advertisement"

26457. The term "advertisement" means all representations or any representation disseminated in any manner or by any means other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

"Contaminated with filth"

26458. The term "contaminated with filth" applies to any food not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

(Added by Stats. 1939, Ch. 731.)

Construction of chapter

26459. The provisions of this chapter regarding the selling of food, shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; the sale, dispensing, and giving of any such article; and the supplying or applying of any such articles in the conduct of any food establishment.

(Added by Stats. 1939, Ch. 731.)

"Federal act." U.S.C., Title 21, Ch. 9

26460. The term "Federal act" means the Federal Food, Drug and Cosmetic Act.

(Added by Stats. 1939, Ch. 731.)

Ag. C., and Stats. 1935, p. 1123

26461. The provisions of this division shall be so construed as to not be in conflict with the provisions of the Agricultural Code, or with the provisions of the Alcoholic Beverage Control Act and the rules and regulations adopted pursuant thereto, and in the event of a conflict, the provisions of the Alcoholic Beverage Control Act or the rules and regulations adopted pursuant thereto shall control.

(Added by Stats. 1939, Ch. 731.)

Beer

26462. Beer, being subject to the Alcoholic Beverage Control Act in other respects, shall be subject only to the provisions of this chapter which relate to adulteration and misbranding.

(Added by Stats. 1939, Ch. 731.)

26463. The sections contained in Chapter 3 of Division 21 of Title the Health and Safety Code may be known as the California Pure Foods Act. (Short Title.)

(Added by Stats. 1943, Ch. 838.)

## Article 2. Adulteration

(Article 2 added by Stats. 1939, Ch. 731.)

26470. A food shall be deemed to be adulterated:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or

When  
deemed  
adulterated.  
Components

(2) If it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of Section 26471; or

(3) If it consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance, or if it is otherwise unfit for food; or

(4) If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health; or

Production

(5) If it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or which has been fed upon the uncooked offal from a slaughterhouse; or

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(7) If it is a canned poultry product or products containing poultry meat which does not comply with any standards of freshness and purity prescribed by the board under Article 6 of this chapter, notwithstanding a compliance with the labeling requirements of Section 26494.

Poultry  
products

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1149.)

26471. Any poisonous or deleterious substance added to any food except where such substance is required in the production thereof or can not be avoided by good manufacturing practice, shall be deemed to be unsafe for purposes of the application of clause (2) of Section 26470.

Added  
substances

If such substance is so required or can not be so avoided, the board shall promulgate regulations limiting the quantity therein or thereon to such extent as the board finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of Section 26470.

Tolerances

While such a regulation is in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of



such substance within the tolerance allowed, be considered to be adulterated within the meaning of clause (2) of Section 26470.

In determining the quantity of such added substance to be tolerated in or on different articles of food, the board shall take into account the extent to which the use of such substance is required or can not be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

(Added by Stats. 1939, Ch. 731.)

Components  
emitted

26472. A food shall be deemed to be adulterated:

(a) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(2) If any substance has been substituted wholly or in part therefor; or

(3) If damage or inferiority has been concealed in any manner; or

(4) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.

(b) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 per centum, harmless natural gum, and pectin. This subsection shall not apply to any confectionery by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

(c) If it bears or contains a coal tar other than one from a batch which has been certified by the Federal Security Agency, Food and Drug Administration.

(d) If any mineral oil has been added thereto or mixed or packed therewith.

Meat

(e) If it be fresh meat and it contains any chemical substance containing sulphites, sulphur dioxide, benzoate of soda or any other chemical preservative which is not approved by the United States Bureau of Animal Industry, or the United States Department of Agriculture, or the Bureau of Animal Industry of the California State Department of Agriculture, or the California State Board of Public Health.

(f) If it be chopped or ground beef, or hamburger containing any substance other than the striated muscle of cattle; and the total fat content (determined by ether extract method of analysis) derived from cattle is in excess of 25 per cent.

Other meats

(g) Nothing in this article shall be deemed to prohibit the introduction into meat or the addition to meat of common salt, sugar, wood smoke, cider vinegar, wine vinegar, malt vinegar, sugar vinegar, glucose vinegar, spirit vinegar, pure spices,

salt peter, nitrate of soda and nitrite of soda in natural state or in form of brine or pickling solutions; provided, no such substances shall increase the green or original weight by more than 10 per cent of products which are not smoked or cooked and by not more than 1 per cent of the green or original weight of products which are cooked or smoked. In the case of meat food products such as sausage or sausage loaves, 10 per cent added water shall be permitted and allowed in smoked or cooked products of such nature, and 3 per cent in said products which are not cooked or smoked.

(h) If it be alimentary paste and contains any artificial color derived from coal tar or vegetable substances.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1042, and by Stats. 1943, Ch. 838.)

26473. Whenever the board finds after investigation that the distribution in the State of California of any class of food may, by reason of contamination with micro-organisms during manufacture, processing or packing thereof in any locality, be injurious to health, and that such injurious nature can not be adequately determined after such articles have entered commerce, the board then, and in such case only, shall promulgate regulations providing for the issuance, to manufacturers, processors or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health. Special permits

(Added by Stats. 1939, Ch. 731.)

26474. After the effective date of such regulations, and during such temporary period, no person shall introduce or deliver for introduction into commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor or packer holds a permit issued by the board as provided by such regulations. Same

(Added by Stats. 1939, Ch. 731.)

26475. The board is authorized to suspend immediately upon notice any permit issued under authority of Section 26473 if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the board shall, immediately after prompt hearing and an inspection of the establishment, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued, or as amended. Suspension of permits

(Added by Stats. 1939, Ch. 731.)

26476. Any officer or employee duly designated by the board shall have access to any factory or establishment, the operator Inspection

of which holds a permit from the board for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit.

(Added by Stats. 1939, Ch. 731.)

### Article 3. Misbranding

(Article 3 added by Stats. 1941, Ch. 731.)

False  
labeling,  
imitations,  
etc.

26490. A food shall be deemed to be misbranded:

- (1) If its labeling is false or misleading in any particular;
- (2) If it is offered for sale under the name of another food;
- (3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;
- (4) If its container is so made, formed or filled as to be misleading.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Contents  
of label

26491. A food shall be deemed to be misbranded if in package form, unless it bears a label containing (1) the name and place of business of the manufacture, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count.

Under clause (2) of this section reasonable variation shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Same:  
Display

26492. A food shall be deemed misbranded if any word, statement or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or emblems, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Standards:  
Identity

26493. A food shall be deemed to be misbranded if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by Sections 26540 and 26541 unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring and coloring) present in such food.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)



26494. A food shall be deemed to be misbranded if it pur- Quality  
ports to be or is represented as :

(1) A food for which a standard of quality has been prescribed by regulations as provided by Sections 26540 and 26541 and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard ; or

(2) A food for which a standard or standards of fill of con- Fill of  
tainer have been prescribed by regulation as provided by Sections 26540 and 26541 and it falls below the standard of fill of container  
applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26495. A food shall be deemed to be misbranded if it is not subject to the provisions of Section 26493, unless its label bears Labels on  
certain  
foods

(1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient. Spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each.

The requirements of clause (2) of this section shall not apply Exceptions  
to any carbonated beverage the ingredients of which have been fully and correctly disclosed to the board in the manner described by clause (2) above in a sworn affidavit, nor shall such requirements apply to beer as defined in the Alcoholic Beverage Control Act.

To the extent that compliance with the requirements of clause (2) of this section is impractical or results in deception or unfair competition, exemption shall be established by regulations promulgated by the board.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26496. A food shall be deemed to be misbranded :

(1) If it purports to be or is represented for special dietary Dietary  
foods  
uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the board determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses ;

(2) If it bears or contains any artificial flavoring, artificial Flavor-  
ing, etc.  
coloring, or chemical preservative, unless it bears labeling stating that fact. To the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the board.

The provisions of this section and Sections 26493 and 26495 Exceptions  
with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

## Article 4. Advertising

(Article 4 added by Stats. 1939, Ch. 731.)

False advertisement

26500. An advertisement of a food shall be deemed to be false if it is false or misleading in any material particular.

(Added by Stats. 1939, Ch. 731.)

Liability under chapter

26501. No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this chapter by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the board to furnish the board the name and post-office address of the manufacturer, packer, distributor, seller or advertising agency, residing in the State of California who causes him to disseminate such advertisement.

(Added by Stats. 1939, Ch. 731.)

Alcoholic beverages  
Stats. 1935,  
p. 1123

26501.1. With respect to the advertisement of alcoholic beverages, in the event of a conflict between the provisions of this chapter and the Alcoholic Beverage Control Act, the Alcoholic Beverage Control Act shall control.

(Added by Stats. 1939, Ch. 731.)

## Article 5. Prohibitions

(Article 5 added by Stats. 1939, Ch. 731.)

Manufacture, etc.

26510. The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale, or advertising within the State of California, or the introduction into this State from any other State, Territory, or the District of Columbia or from any foreign country, of any article of food which is adulterated or misbranded is prohibited.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Importation

26511. Any person who imports or receives from any other State or Territory or the District of Columbia or from any foreign country, or who having so received delivers for pay or otherwise or offers to deliver to any other person, any article of food which is adulterated or misbranded, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale, or advertise in the State of California any such adulterated or misbranded food, shall be guilty of a misdemeanor punishable as provided in Section 26519.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Exports

26512. No article of food shall be deemed adulterated or misbranded within the provisions of this chapter when prepared for export beyond the jurisdiction of the United States and

prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which the article is intended to be shipped.

If such foods are in fact sold or kept or offered for sale for domestic uses and consumption, then this section shall not exempt the article from the operation of any provisions of this chapter.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26513. The alteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food is unlawful if such act results in such article being misbranded. Alteration of labels

(Added by Stats. 1939, Ch. 731.)

26514. Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification emblem authorized or required by regulations promulgated under the provisions of this chapter is prohibited. Forging of labels

(Added by Stats. 1939, Ch. 731.)

26515. The adulteration or misbranding of any food is hereby prohibited. Adulteration and misbranding

(Added by Stats. 1939, Ch. 731.)

26516. The dissemination of any false advertisement of any food is hereby prohibited. False advertisements

(Added by Stats. 1939, Ch. 731.)

26517. No person shall sell, offer for sale, or keep for sale distilled spirits in any package which has been refilled or partly refilled. Refilling

(Added by Stats. 1939, Ch. 731.)

26518. The possession, sale, or offering for sale of any adulterated or misbranded article of food by any manufacturer, producer, jobber, packer, or dealer in food, or broker, commission merchant, agent, employee, or servant of any such manufacturer, producer, jobber, packer, or dealer, shall be prima facie evidence of the violation of this chapter. Evidence

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26519. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Penalties



If the violation is committed after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine.

(Added by Stats. 1939, Ch. 731.)

When  
prosecution  
forbidden

Guaranty

26520. No dealer shall be prosecuted under the provisions of this chapter if after receipt of an article he has used reasonable care in the use and handling thereof and he can produce a guarantee signed by the wholesaler, jobber, manufacturer, or other party located or residing in the United States from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this chapter; provided, however, that as to food contained in an original unbroken package, no retailer, who after the receipt of such package has used reasonable care in the use and handling thereof, shall be prosecuted under this chapter for a violation of any provision thereof in connection with any article received by such retailer in the regular channels of trade and as usual first-class merchantable stock and not as seconds, or damaged articles or merchandise or job lots purchased under such conditions as to put the purchaser on notice that such merchandise was not regular first-class merchandise.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1042, and by Stats. 1943, Ch. 838.)

Same

26521. Such guaranty may be either general or special and must be produced prior to the time of certification of facts to the district attorney for prosecution.

(Added by Stats. 1939, Ch. 731.)

General  
guaranty

26522. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated or misbranded within the meaning of this chapter.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Special  
guaranty

26523. A special guaranty shall guarantee in the same manner as a general guaranty the particular articles listed in an invoice of the articles, and shall be attached to or shall fully identify such invoice.

(Added by Stats. 1939, Ch. 731.)

Seller's  
name, etc.

26524. To afford protection all guaranties must contain the name and address of the party or parties making the sales of such articles to the person.

(Added by Stats. 1939, Ch. 731.)

26525. A guaranty shall protect a person only where the article covered by such guaranty remains identical, both as to composition and labeling, with the article as composed and labeled when received by the person from the guarantor.  
(Added by Stats. 1939, Ch. 731.)

Article covered

26526. If the guaranty is to the effect that such article is not adulterated or misbranded within the meaning of the Federal act it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere.

Guaranty under Federal act

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26527. In case the wholesaler, jobber, manufacturer or other party making such guaranty to the person resides without this State and it appears from the certificate of the Chief of the Division of Laboratories that such article or articles were adulterated or misbranded, within the meaning of this chapter or the Federal act, the district attorney must forthwith notify the Attorney General of the United States of such violation.

Nonresident guarantor

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

## Article 6. Administration

(Article 6 added by Stats. 1939, Ch. 731.)

26540. Whenever in the judgment of the board such action will promote honesty and fair dealing in the interest of consumers, the board may promulgate regulations establishing for any food or class of food a reasonable definition and standard of identity, or reasonable standard of quality or fill of container.

Standards

No standard of identity or fill of container shall be established for beer as defined in the Alcoholic Beverage Control Act. No definition and standard of identity, and no standard of quality shall be established for fresh or dried fruits, fresh or dried vegetables, or butter, except that definitions and standards of identity may be established for avocados, cantaloupes, citrus fruits, and melons. In prescribing any standard of fill of container, the board shall give due consideration to the natural shrinkage in storage and in transit of fresh natural food and to need for the necessary packing and protective material. In the prescribing of any standard of quality for any canned fruit or canned vegetable, consideration shall be given and due allowance made for the differing characteristics of the several varieties of such fruit or vegetable. Any definition and standard of identity prescribed by the board for avocados, cantaloupes, citrus fruits, or melons shall relate only to maturity and to the effects of freezing.

Beer

Fruits and vegetables

Fill of container

Quality

Identity

(Added by Stats. 1939, Ch. 731.)

Beer con-  
tainers 26540.1. The board shall not prescribe requirements respecting the size or type of containers for beer as defined in the Alcoholic Beverage Control Act.

(Added by Stats. 1939, Ch. 731.)

Wine  
standards 26540.2. The State Board of Public Health is hereby empowered under this section to promulgate regulations establishing standards of purity for wine; provided, that the board shall not prescribe requirements respecting the size or type of containers for wine.

(Added by Stats. 1941, Ch. 1042.)

Optional  
ingredients 26541. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the board shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. All definitions and standards promulgated pursuant to this chapter shall not in any instance require a higher standard than the standards required pursuant to the definitions currently promulgated by the Federal Security Agency, Food and Drug Administration. Such definitions and standards of identity promulgated by the board for distilled spirits shall not be inconsistent with similar standards promulgated by the United States Bureau of Internal Revenue, Alcohol Tax Unit, or other Federal agency; provided, however, that the provisions of this section shall not apply to wine.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1042 and Ch. 1147 and by Stats. 1943, Ch. 838.)

Regulations 26542. The authority to promulgate regulations for the efficient enforcement of this chapter is vested in the board. The board shall promulgate regulations exempting from the provisions of this chapter food which is in accordance with the normal practice of the trade introduced or offered for introduction into trade and which is being delivered to an establishment where it is to be processed, labeled or packed on condition that such food shall conform with the provisions of this act upon its removal from such processing, labeling or packing establishment. The regulations promulgated and the definitions and standards prescribed pursuant to this chapter shall not require higher standards and shall not be more restrictive than the definitions, standards and regulations which are in force, or promulgated by the Federal Security Agency, Food and Drug Administration, under the provisions of the Federal act, in the event that any such definitions, standards, or regulations are in force thereunder. The violation of a regulation promulgated under this chapter shall be deemed to be a violation of this chapter.

Federal  
regulations

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1147.)



26543. Hearings authorized or required by this chapter shall be conducted by the board or such officer, agent, or employee as the board may designate for the purpose. Hearings

(Added by Stats. 1939, Ch. 731.)

26544. Before promulgating any regulation, the board shall give appropriate notice of the proposal and of the time and place for a hearing. The regulation so promulgated shall become effective on a date fixed by the board. The effective date shall not be prior to 90 days after the promulgation of the regulation. Such regulation may be amended or repealed in the same manner as is provided for its adoption. Notice  
Effective  
date of  
regulations

In the case of a regulation amending or repealing any regulation the board, to such an extent as it deems necessary in order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing, or effective date.

(Added by Stats. 1939, Ch. 731.)

26545. The board shall require examinations to be made of samples secured under the provisions of this chapter to determine whether or not any provision of this chapter is being violated. Exami-  
nations

(Added by Stats. 1939, Ch. 731.)

26546. The board may appoint such agents as it may deem necessary. Agents of  
board

(Added by Stats. 1939, Ch. 731.)

26547. The sheriffs of the respective counties of the State are hereby appointed agents for the enforcement of this chapter. Sheriffs

(Added by Stats. 1939, Ch. 731.)

26548. Any agent shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated or misbranded food exists. Inspection

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26549. If a sale is refused upon a tender of the market price of the articles, the agent may take from any person samples of any articles suspected of being adulterated or misbranded, and shall deliver or forward such samples to the State laboratory for examination and analysis. Samples

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26550. Any person who refuses to sell to any agent of the board any sample of food upon tender of the market price therefor, or who conceals any food from such officer, or who withholds from the officer information respecting the place where such food is kept or stored is guilty of a misdemeanor punishable as provided in Section 26519. Penalty

(Added by Stats. 1939, Ch. 731.)

Powers of  
agents, etc.

26551. The Chief of the Bureau of Food and Drug Inspections and the agents and inspectors of the State Board of Public Health shall have the powers possessed by peace officers in this State.

(Added by Stats. 1939, Ch. 731.)

"Dump  
sheets"

26552. Whenever the board makes a written demand upon any distiller, rectifier or blender of liquors of any nature whatsoever within this State to produce a certified copy of those records kept by the distiller, rectifier or blender, which are commonly designated or known as "dump sheets" within the meaning of the Federal Internal Revenue Act, the records shall be delivered to the board within a reasonable time not exceeding 30 days. The refusal to present such certified copies or the falsification thereof, shall constitute a misdemeanor punishable as provided in Section 26519. Whenever there has been a demand for and refusal to deliver the records, upon petition any court or judge thereof having jurisdiction shall order the delivery of the records.

(Added by Stats. 1939, Ch. 731.)

Penalty

Inspection

26553. The board or its duly authorized agent shall have free access at all reasonable hours to any factory, warehouse or establishment in which foods are manufactured, processed, packed or held for introduction into commerce, or to enter any vehicle being used to transport or hold such foods, in commerce, for the purpose:

(1) Of inspecting such factory, warehouse, establishment or vehicle to determine if any of the provisions of this chapter are being violated; and

(2) To secure samples or specimens of any food after paying or offering to pay for such sample.

(Added by Stats. 1939, Ch. 731.)

Report of  
violation

26554. Whenever it has satisfactory evidence of the violation of any of the provisions of this chapter respecting the adulteration or misbranding of foods and after the hearing provided in Section 26564, the board shall report such facts to the district attorney of the county where the law is violated.

(Added by Stats. 1939, Ch. 731.)

Written  
notice of  
warning

26555. Nothing in this chapter shall be construed as requiring the board to report for the institution of proceedings under this chapter, minor violations of this chapter, whenever the board believes that the public interest will be adequately served in the circumstances by a suitable written notice of warning.

(Added by Stats. 1939, Ch. 731.)

Reports of  
court action

26556. The board may cause to be published from time to time reports summarizing all judgments, decrees and court orders which have been rendered under this chapter, including the nature of the charge and the disposition thereof.

(Added by Stats. 1939, Ch. 731.)

26557. The board may cause to be disseminated such information regarding food as the board deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the board from collecting, reporting and illustrating the results of the investigations of the board.

(Added by Stats. 1939, Ch. 731.)

26558. There is a State laboratory for the analysis and examination of foods, drugs, devices and cosmetics. The laboratory shall be under the supervision of the board and shall be located at such place as the board may select.

(Added by Stats. 1939, Ch. 731.)

26559. The board shall appoint a Chief of the Bureau of Food and Drug Inspections who shall have such qualifications and perform such duties as may be required by the board.

The board may employ and fix the compensation of other clerical and professional assistants.

(Added by Stats. 1939, Ch. 731.)

26560. The board or its secretary shall require the Chief of the Division of Laboratories to make examinations and analyses of foods which are on sale in California and which are suspected of being adulterated or misbranded.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26561. Whenever evidence indicates or examination or analysis shows that adulterated or misbranded food has been on sale in this State, the Chief of the Division of Laboratories of the State department shall forthwith report to the secretary of the board and shall promptly transmit a certificate of the facts so found.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26562. Whenever evidence indicates that adulterated or misbranded food has been on sale in this State, the Chief of the Bureau of Food and Drug Inspections shall forthwith report to the secretary of the board and shall promptly transmit a certificate of the facts so found.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26563. Every certificate certified to by the Chief of the Division of Laboratories or by the Chief of the Bureau of Food and Drug Inspections shall be prima facie evidence of the facts therein stated.

(Added by Stats. 1939, Ch. 731.)

26564. When the certificate certified to by the Chief of the Division of Laboratories of the State department or when the



certificate certified to by the Chief of the Bureau of Food and Drug Inspections shows that any provisions of this chapter have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty, as provided in this chapter. The secretary of the board shall fix a time at which the parties may be heard.

(Added by Stats. 1939, Ch. 731.)

**Hearings** 26565. The hearings shall be held at such place as the board or the person conducting the hearing may designate. The hearings shall be private and confined to the consideration of fact. Parties interested may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the State laboratory.

(Added by Stats. 1939, Ch. 731.)

**District attorney** 26566. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, the secretary of the board shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which the adulterated or misbranded food was found. No publication of the facts found shall be made until the conclusion of the hearing.

(Added by Stats. 1939, Ch. 731 ; amended by Stats. 1943, Ch. 838.)

**Reports: Division of Laboratories** 26567. On or before August 1st of each year, the Chief of the Division of Laboratories of the State Department shall make an annual report to the board upon adulterated or misbranded foods. The report shall include the list of cases examined by him in which adulterants were found, the list of articles found to be misbranded, and the names of the manufacturers, producers, jobbers, and sellers. The Chief of the Bureau of Food and Drug Inspections shall report at the same time on all activities of that bureau.

**Bureau of Food and Drug Inspections**  
(Added by Stats. 1939, Ch. 731 ; amended by Stats. 1943, Ch. 838.)

**Reports of Board** 26568. The board may include the reports, or any parts thereof, in the report which the board makes to the Governor.  
(Added by Stats. 1939, Ch. 731.)

**Quarantine** 26580. Whenever a duly authorized agent of the board finds, or has probable cause to believe, that any food is adulterated, or so misbranded as to be dangerous or fraudulent, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated, or misbranded and has been detained or quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court.

(Added by Stats. 1939, Ch. 731.)

26581. Whenever the findings of the State laboratory or of Same the Chief of the Bureau of Food and Drug Inspections show after investigation and examination, that any food found in the possession of any person is adulterated or misbranded, the food may be seized and quarantined.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26582. The food shall not thereafter be sold, offered for sale, removed or otherwise disposed of until further notice in writing from the board, its secretary, or the Chief of the Bureau of Food and Drug Inspections. Prohibition on disposition

(Added by Stats. 1939, Ch. 731.)

26583. The Chief of the Bureau of Food and Drug Inspections shall report immediately to the secretary of the board all actions relating to the seizure of food and its release. Reports of seizures

(Added by Stats. 1939, Ch. 731.)

26584. Food found to be adulterated or misbranded may, by ordered of a court or judge, or in the absence of such order, with the written consent of the owner thereof, be seized or destroyed. Destruction of food

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26585. Any superior or inferior court of this State shall have power to condemn food under the provisions of this article. Jurisdiction of courts

(Added by Stats. 1939, Ch. 731.)

26586. When an article is found to be adulterated or misbranded, and is detained or quarantined under this article, the board shall petition the court in whose jurisdiction the article is detained or quarantined for a libel for condemnation of such article. When such agent has found that an article so detained or quarantined is not adulterated or misbranded, he shall remove the tag or other marking. Petition Removal of tags

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26587. If the court finds that a detained or quarantined article is adulterated or misbranded, after entry of the decree such article shall be destroyed at the expense of the claimant thereof, under the supervision of the agent. All court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent. Destruction

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26588. If the adulteration or misbranding can be corrected by proper labeling or processing of the article, after entry of the decree and after costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, the court Correction of article

may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the board. The expense of such supervision shall be paid by the claimant.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

**Bond** 26589. The bond shall be returned to the claimant of the article on representation to the court by the board that the article is no longer in violation of this chapter, and that the expenses of such supervision have been paid.

(Added by Stats. 1939, Ch. 731.)

**Destruction** 26590. Whenever the board or any of its authorized agents shall find in any room, building, vehicle of transportation or other structure, any meat, seafood, poultry, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed or putrid substance, or which may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the board or its authorized agent shall forthwith condemn or destroy the same or in any other manner render the same unsalable as human food.

(Added by Stats. 1939, Ch. 731.)

**Sheriff's duties** 26600. On presentation to him of a verified complaint of the violation of any provisions of this chapter, the sheriff of any county of this State shall at once obtain by purchase a sample of the adulterated or misbranded food complained of, and divide the article into three parts. Each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds in weight or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

**Same** 26601. One sample shall be delivered to the party from whom procured or to the party guaranteeing such merchandise, one sample shall be sent to the Chief of the Division of Laboratories, and the third sample shall be sent to, and held under seal by, the board.

(Added by Stats. 1939, Ch. 731.)

**Fees** 26602. For his services under this chapter the sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as the board of supervisors of the county may deem reasonable, and all amounts expended by him in procuring and transmitting samples.

(Added by Stats. 1939, Ch. 731.)



26603. The fees and amount expended shall be audited and allowed by the supervisors and paid by the county as other bills of the sheriff. Payment of fees

(Added by Stats. 1939, Ch. 731.)

26604. The district attorney of each county shall prosecute all violations of the provisions of this chapter occurring within the county. District attorney

(Added by Stats. 1939, Ch. 731.)

26605. One-half of all fines collected by any court or judge for the violations of the provisions of this chapter shall be paid into the State Treasury to the credit of the General Fund. Fines

(Added by Stats. 1939, Ch. 731.)

## Article 7. Local Administration

(Article 7 added by Stats. 1939, Ch. 731.)

26615. The board may organize and establish local food inspection and enforcement divisions with headquarters at such points and with jurisdiction over such territory as the board shall by order specify. Local inspection and enforcement divisions

(Added by Stats. 1939, Ch. 731.)

26616. For the purposes of this chapter, the term "local food inspection and enforcement division" shall be construed to mean the local health department, headed by the duly appointed, qualified and acting health officer of any county, city or city and county, designated by order of the board to act as such division within the territory specified in such order. Such territory may include one or more counties, cities, or cities and counties. Definition

(Added by Stats. 1939, Ch. 731.)

26617. A local food protection and enforcement division shall make, or cause to be made, examinations and analyses of food which is suspected of being adulterated or misbranded and which is on sale within the territory where such local division has jurisdiction. Examinations

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26618. Within the territory over which a local division has jurisdiction, the health officer of any local food protection and enforcement division and his deputies, shall have the same powers as are possessed by peace officers of this State. Powers of agents, etc.

(Added by Stats. 1939, Ch. 731.)

26619. When an examination or analysis made pursuant to the provisions of Section 26617 shows that any provision of this chapter has been violated, notice of the fact, together with a copy of the findings thereof, shall be furnished to the party or parties from whom the sample was obtained, or who issued the guaranty, as provided in this chapter. Notice of violation

(Added by Stats. 1939, Ch. 731.)

**Hearings** 26620. The health officer of the local food protection and enforcement division shall set a time for a hearing, at which the parties may be heard before him. At least 15 days' notice of such hearing shall be served upon the parties interested. The hearing shall be private and confined to questions of fact. Appearances may be made in person or by attorney and testimony may be taken and evidence introduced as to the correctness of the findings made by the person making the examination or performing the analysis.

(Added by Stats. 1939, Ch. 731.)

**District attorney** 26621. If such examination or analysis be found correct, or if the party or parties fail to appear after notice duly given, the health officer conducting the hearing shall certify the facts found to the district attorney of the county in which the adulterated or misbranded food was found, sold, or offered or exposed for sale. No publication shall be made until after the hearing is concluded.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

**Sheriff's duties** 26622. In exercising the powers conferred upon him by Section 26547 the sheriff of a county shall furnish samples of all adulterated or misbranded foods seized or purchased by him to the health officer of the local food inspection and enforcement division, if any, having jurisdiction over the territory within which such seizure or purchase is made. In carrying out the duties imposed by Section 26600 a sheriff shall purchase an additional sample and forward the same to such health officer.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

**Construction of article** 26623. The provisions of this article shall not be construed as repealing, either directly or by implication, any of the existing sections of this chapter, but shall be construed as constituting an alternative method of enforcing the same.

(Added by Stats. 1939, Ch. 731.)

**Rules** 26624. The board may prescribe such rules and regulations relating to the operation of the local inspection and enforcement divisions as it may deem necessary fully to effectuate the provisions of this article.

(Added by Stats. 1939, Ch. 731.)

#### CHAPTER 4. HORSE MEAT

(Chapter 4 added by Stats. 1943, Ch. 800.)

**Sale prohibition** 28000. Horse meat shall not be sold in public markets where other meat or meat food products are sold.

(Added by Stats. 1943, Ch. 800.)

**Uncooked horse meat** 28001. Any establishment offering uncooked horse meat for sale shall prominently display a sign in letters not less than one foot in height and two inches in width as follows: "Horse meat for human consumption."

(Added by Stats. 1943, Ch. 800.)

28002. Horse meat sold for human food shall comply with and meet all the provisions of the Agricultural Code relating to meat inspection. Sale for human consumption

(Added by Stats. 1943, Ch. 800.)

28003. Every restaurant, cafe, or other public eating place offering or serving horse meat for human consumption must have stamped on all menus, in green ink letters not less than one-half inch in height and one-quarter inch in width the words "Horse meat served here"; likewise a placard must be prominently displayed bearing the words "Horse meat served here" in letters not less than four inches in height and one-half inch in width. Horse meat in restaurants

(Added by Stats. 1943, Ch. 800.)

(Chapter 4 added by Stats. 1943, Ch. 800.)

### DIVISION 30. REPEALS

40000. The following sections of the Penal Code are hereby repealed: Repeals:  
Penal Code

290	374a	384	601
291	375	385	649
293	375a	394	719
295	377	396a	720
297	377a	401a	1510.1
349	377b	402e	
368	377c	402h	
374	378	573	

40001. The following sections of the Political Code are hereby repealed: Repeals:  
Political  
Code

372	3007	3046	3106
372a	3008	3047	3107
372b	3009	3048	3108
372c	3010	3049	3109
372d	3011	3060	3110
372e	3012	3061	3111
372f	3023	3062	3335
372g	3024	3063	3336
2978	3025	3064	3337
2979	3026	3074	3338
2979a	3027	3075	3339
2979b	3029	3076	3340
2979d	3030	3077	3341
2979e	3031	3078	3342
2980	3033	3080	3343
2981	3034	3081	4041.15
2982	3035	3082	4041d
2982a	3042	3083	4041k
2984	3043	3084	4225
3005	3044	3093	4225b
3006	3045	3105	



Repeals:  
General laws

40002. The following acts and portions of acts, together with all acts amendatory thereof and supplementary thereto, are hereby repealed:

Year	Ch.	Pg.	Sec.	Year	Ch.	Pg.	Sec.
1852:	129:	205	All	1873-4:	370:	530	All
1853:	22:	35	All	1873-4:	397:	569	All
1853:	42:	59	All	1873-4:	460:	691	All
1854:	8:	20	All	1873-4:	552:	788	All
1854:	37:	42	All	1873-4:	639:	886	All
1858:	57:	41	All	1873-4:	676:	942	All
1858:	180:	133	All	1875-6:	72:	47	All
1859:	78:	59	All	1875-6:	232:	305	All
1859:	321:	358	All	1875-6:	234:	310	All
1861:	69:	55	All	1875-6:	271:	360	All
1861:	71:	57	All	1875-6:	303:	398	All
1861:	133:	123	All	1875-6:	401:	567	All
1861:	168:	167	All	1875-6:	433:	610	All
1861:	234:	238	All	1875-6:	496:	759	All
1861:	243:	248	All	1875-6:	583:	865	All
1861:	388:	408	All	1875-6:	601:	896	All
1861:	517:	535	All	1875-6:	647:	866	All
1862:	18:	11	All	1877-8:	83:	104	All
1862:	127:	114	All	1877-8:	178:	214	All
1862:	149:	140	All	1877-8:	304:	383	All
1862:	168:	166	All	1877-8:	374:	558	All
1862:	340:	465	All	1877-8:	325:	436	All
1862:	341:	466	All	1877-8:	446:	685	All
1862:	342:	466	All	1877-8:	513:	796	All
1863:	26:	26	All	1877-8:	594:	943	All
1863:	473:	742	All	1877-8:	648:	999	All
1863-4:	248:	256	All	1877-8:	673:	1050	All
1865-6:	98:	79	All	1880:	66:	61	All
1865-6:	156:	138	All	1881:	36:	26	All
1865-6:	180:	161	All	1881:	67:	76	All
1865-6:	250:	276	All	1883:	77:	366	All
1865-6:	303:	337	All	1883:	90:	376	All
1865-6:	424:	533	All	1885:	14:	12	All
1865-6:	450:	583	All	1885:	21:	25	All
1867-8:	26:	26	All	1887:	22:	18	All
1869-70:	228:	329	All	1887:	95:	110	All
1869-70:	490:	716	All	1891:	148:	209	All
1871-2:	286:	389	All	1891:	161:	223	All
1871-2:	388:	542	All	1893:	163:	189	All
1871-2:	398:	553	All	1893:	190:	234	All
1871-2:	428:	625	All	1895:	39:	45	All
1871-2:	485:	715	All	1895:	115:	107	All
1871-2:	529:	765	All	1899:	66:	81	All
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Repeal 40003. Section 2979c of the Political Code is hereby repealed.

(Added by Stats. 1939, Ch. 102, as part of codification.)

Repeal 40004. Section 5 of an act entitled "An act to create the office of State Fire Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1923, is hereby repealed.

(Added by Stats. 1939, Ch. 105, as part of codification.)

Repeal 40005. Section 4 of an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved May 26, 1933, is hereby repealed.

(Added by Stats. 1939, Ch. 104, as part of codification.)

Repeal 40006. An act entitled "An act relating to a convalescent colony and empowering the Department of Finance to accept land or contributions for the convalescent colony upon recommendation of the convalescent colony board, creating a convalescent colony board, and providing for the disposition and expenditure of moneys in connection with said convalescent colony," approved May 29, 1931, is hereby repealed.

(Added by Stats. 1939, Ch. 106, as part of codification.)

Repeal 40007. Section 10 of an act entitled "An act defining clinics and dispensaries, providing for the operation, conduct, maintenance, examination and regulation thereof, requiring permits therefor, providing for the issuance and revocation of such permits by the State Board of Public Health, fixing the amount of and providing for the collection and disposition of annual fees for such permits, creating the clinic and dispensary fund, prescribing the powers and duties of the State Board of Public Health and of the Director of Public Health in reference to such clinics and dispensaries, and prescribing penalties for the violation of the provisions of this act," approved June 5, 1933, is hereby repealed.

(Added by Stats. 1939, Ch. 103, as part of codification.)

Repeal: Stats. 1907, p. 230 40008. An act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1939, Ch. 730.)



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